

CM-015

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Frank S. Moore, SBN 158029 Law Offices of Frank S. Moore, APC 1374 Pacific Avenue San Francisco, California 94109 TELEPHONE NO.: 415 292-6091 FAX NO. (Optional): 415 292-6695 E-MAIL ADDRESS (Optional): fsmoore@pacbell.net ATTORNEY FOR (Name): PURGATORY, INC., dba LA ROCCA'S CORNER		FOR COURT USE ONLY	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco STREET ADDRESS: 400 McAllister Street MAILING ADDRESS: CITY AND ZIP CODE: San Francisco, California 94102 BRANCH NAME: Unlimited Jurisdiction			
PLAINTIFF/PETITIONER: CRAIG YATES et al.		CASE NUMBER:	CGC-07-469605
DEFENDANT/RESPONDENT: LA ROCCA'S CORNER, et al.		JUDICIAL OFFICER	Hon. David L. Ballati
NOTICE OF RELATED CASE		DEPT.:	206

Identify, in chronological order according to date of filing, all cases related to the case referenced above.

1. a. Title: Ashley, et al v. Blackwell, et al
b. Case number: 2:1999cv01669-FCD
c. Court: ☐ same as above
☒ other state or federal court (name and address): United States District Court for the Eastern District
d. Department: 501 "I" Street, Sacramento, CA 95814
e. Case type: ☒ limited civil ☐ unlimited civil ☐ probate ☐ family law ☐ other (specify):
f. Filing date: 08/27/1999
g. Has this case been designated or determined as "complex?" ☐ Yes ☒ No
h. Relationship of this case to the case referenced above (check all that apply):
☒ involves the same parties and is based on the same or similar claims.
☒ arises from the same or substantially identical transactions, incidents, or events requiring the determination of the same or substantially identical questions of law or fact.
☐ involves claims against, title to, possession of, or damages to the same property.
☒ is likely for other reasons to require substantial duplication of judicial resources if heard by different judges.
☒ Additional explanation is attached in attachment 1 X 2
i. Status of case:
☐ pending
☒ dismissed ☒ with ☐ without prejudice
☐ disposed of by judgment
2. a. Title: Pickern, et al v. Eppie's Capitol, et al
b. Case number: 2:2000cv02231-WBS
c. Court: ☐ same as above
☒ other state or federal court (name and address): United States District Court for the Eastern District
d. Department: 501 "I" Street, Sacramento, CA 95814

CM-015

PLAINTIFF/PETITIONER: CRAIG YATES et al.	CASE NUMBER:
DEFENDANT/RESPONDENT: LA ROCCA'S CORNER, et al.	CGC-07-469605

2. (continued)

- e. Case type: ☐ limited civil ☒ unlimited civil ☐ probate ☐ family law ☐ other (specify):
- f. Filing date: 10/12/2000
- g. Has this case been designated or determined as "complex?" ☐ Yes ☒ No
- h. Relationship of this case to the case referenced above (check all that apply):
- ☒ involves the same parties and is based on the same or similar claims.
 - ☒ arises from the same or substantially identical transactions, incidents, or events requiring the determination of the same or substantially identical questions of law or fact.
 - ☐ involves claims against, title to, possession of, or damages to the same property.
 - ☒ is likely for other reasons to require substantial duplication of judicial resources if heard by different judges.
 - ☒ Additional explanation is attached in attachment ~~X~~ 2
- i. Status of case:
- ☐ pending
 - ☒ dismissed ☒ with ☐ without prejudice
 - ☐ disposed of by judgment

3. a. Title: Connally, et al v. Eppie's N Street, et al

b. Case number: 2:2000cv02232-WBS

c. Court: ☐ same as above☒ other state or federal court (name and address): United States District Court for the Eastern District

d. Department: 501 "I" Street, Sacramento, CA 95814

e. Case type: ☐ limited civil ☒ unlimited civil ☐ probate ☐ family law ☐ other (specify):

f. Filing date:

g. Has this case been designated or determined as "complex?" ☐ Yes ☒ No

h. Relationship of this case to the case referenced above (check all that apply):

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- ☒ is likely for other reasons to require substantial duplication of judicial resources if heard by different judges.
- ☒ Additional explanation is attached in attachment ~~X~~ 2

i. Status of case:

- ☐ pending
- ☒ dismissed ☒ with ☐ without prejudice
- ☐ disposed of by judgment

4. ☒ Additional related cases are described in Attachment ~~X~~ 1 Number of pages attached: 102 (not including proof of service)

Date: August 28, 2008

Frank S. Moore

(TYPE OR PRINT NAME OF PARTY OR ATTORNEY)



(SIGNATURE OF PARTY OR ATTORNEY)

PLAINTIFF/PETITIONER: **CRAIG YATES et al.**

CASE NUMBER:

DEFENDANT/RESPONDENT: **LA ROCCA'S CORNER, et al.****CGC-07-469605****ATTACHMENT** (Number): 1 Page 1 of 38

(This Attachment may be used with any Judicial Council form.) (Add pages as required)

A. List All Related Civil Cases by Court, Case Name, Case Number and Filing Date.**Plaintiff: YATES, CRAIG****Court: San Francisco County Superior Court
400 McAllister Street, San Francisco, California, 94102**

None of the cases listed below have been designated or determined as "complex."

Relationship of this case to the case referenced above (check all that apply):

- ☒ involves the same parties and is based on the same or similar claims.
- ☒ arises from the same or substantially identical transactions, incidents, or events requiring the determination of the same or substantially identical questions of law or fact.
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<u>Case Number</u>	<u>Case Name</u>	<u>Filing Date</u>	<u>Status/Dismissal</u>
CGC-06-452090	CRAIG YATES et al vs. CIGAR AMOUR et al	05/09/2006	Pending
CGC-06-452131	CRAIG YATES et al vs. JUST DESERTS et al	05/10/2006	05/02/2007
CGC-06-452509	CRAIG YATES et al vs. THE ABBEY TAVERN INC., A CALIFORNIA CORPORATION et al	05/23/2006	03/05/2008
CGC-06-456662	CRAIG YATES et al vs. DRAGON CITY RESTAURANT et al	10/02/2006	01/14/2008
CGC-06-459119	CRAIG YATES et al vs. PAKWAN RESTAURANT et al	12/28/2006	Pending

PLAINTIFF/PETITIONER: **CRAIG YATES et al.**

CASE NUMBER:

DEFENDANT/RESPONDENT: **LA ROCCA'S CORNER, et al.****CGC-07-469605****ATTACHMENT** (Number): 1 Page 2 of 38

(This Attachment may be used with any Judicial Council form.) (Add pages as required)

CGC-07-467642	CRAIG YATES et al vs. RICO'S RESTAURANT INC., A CALIFORNIA CORPORATION et al	09/27/2007	Pending
CGC-07-469073	CRAIG YATES et al vs. K & L RESTAURANT et al	11/09/2007	Pending
CGC-08-470951	CRAIG YATES et al vs. CANDYSTORE COLLECTIVES, LLC A CALIFORNIA LIMITED et al	01/10/2008	Pending
CGC-08-473176	CRAIG YATES vs. UNION SQUARE et al	03/11/2008	Pending
CGC-08-473260	CRAIG YATES et al vs. DA FLORA RESTAURANT et al	03/13/2008	Pending
CGC-08-473716	CRAIG YATES et al vs. BENJARONG THAI CUISINE et al	03/27/2008	Pending

Court:

San Francisco County Superior Court
400 McAllister Street, San Francisco, California, 94102**Plaintiff: DISABILITY RIGHTS ENFORCEMENT, EDUCATION, SERVICES: HELPING YOU HELP OTHERS**

None of the cases listed below have been designated or determined as "complex."

Relationship of this case to the case referenced above (check all that apply):

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PLAINTIFF/PETITIONER: **CRAIG YATES et al.**

CASE NUMBER:

DEFENDANT/RESPONDENT: **LA ROCCA'S CORNER, et al.****CGC-07-469605****ATTACHMENT** (Number): 1 Page 3 of 38

(This Attachment may be used with any Judicial Council form.) (Add pages as required)

<u>Case Number</u>	<u>Case Name</u>	<u>Filing Date</u>	<u>Status/Dismissal</u>
CGC-05-443089	LES JANKEY et al vs. QUEEN ANNE HOTEL et al	07/13/2005	11/02/2006
CGC-05-443128	LES JANKEY et al vs. HERITAGE MARINA HOTEL et al	07/14/2005	Pending
CGC-05-443154	LES JANKEY et al vs. MARK TWAIN HOTEL et al	07/15/2005	07/13/2007
CGC-05-443179	LES JANKEY et al vs. EL HERRADERO RESTAURANT et al	07/18/2005	11/16/2006
CGC-06-452092	LES JANKEY et al vs. THE BLUE MUSE RESTAURANT et al	05/09/2006	08/09/2007
CGC-06-452098	NICOLE MOSS et al vs. RED JADE RESTAURANT et al	05/10/2006	01/31/2007
CGC-06-452101	PATRICK CONNALLY et al vs. TWILIGHT ZONE et al	05/10/2006	12/26/2007
CGC-06-452129	PATRICK CONNALLY et al vs. NORTH BEACH PIZZA INC. A CALIFORNIA CORPORATION et al	05/10/2006	05/04/2007
CGC-06-452130	LES JANKEY et al vs. ASA SUSHI et al	05/10/2006	12/12/2007
CGC-06-452131	CRAIG YATES et al vs. JUST DESERTS et al	05/10/2006	05/02/2007
CGC-06-452133	NICOLE MOSS et al vs. ROYAL GROUND COFFEE et al	05/10/2006	06/07/2007
CGC-06-452509	CRAIG YATES et al vs. THE ABBEY TAVERN INC., A CALIFORNIA CORPORATION et al	05/23/2006	03/05/2008
CGC-06-452983	LES JANKEY et al vs. LAUREL INN ASSOCIATES LLC, A CALIFORNIA LIMITED et al	06/08/2006	02/20/2007

PLAINTIFF/PETITIONER: **CRAIG YATES et al.**

CASE NUMBER:

DEFENDANT/RESPONDENT: **LA ROCCA'S CORNER, et al.****CGC-07-469605****ATTACHMENT** (Number): 1 Page 4 of 38*(This Attachment may be used with any Judicial Council form.) (Add pages as required)*

CGC-06-454493	PATRICK CONNALLY et al vs. O'REILLY'S IRISH PUB & RESTAURANT INC. et al	07/25/2006	Pending
CGC-06-455148	LES JANKEY et al vs. TIA MARGARITA et al	08/15/2006	01/25/2008
CGC-06-455150	PATRICK CONNALLY et al vs. SZECHUAN TASTE RESTAURANT et al	08/15/2006	02/15/2008
CGC-06-457253	PATRICK CONNALLY et al vs. LUISA'S RESTORANTE et al	10/23/2006	Pending
CGC-06-459119	CRAIG YATES et al vs. PAKWAN RESTAURANT et al	12/28/2006	Pending
CGC-07-459698	LES JANKEY et al vs. THE HOTEL MAJESTIC et al	01/18/2007	07/13/2007
CGC-07-462659	LES JANKEY vs. GLASS PROPERTIES LP, A DELEWARE LIMITED et al	04/24/2007	05/05/2008
CGC-07-463040	LES JANKEY et al vs. SONG KOO LEE et al	05/03/2007	Pending
CGC-07-464669	NICOLE MOSS et al vs. MOLTE COSE et al	06/27/2007	Pending
CGC-07-469073	CRAIG YATES et al vs. K &L RESTAURANT et al	11/09/2007	Pending
CGC-07-469631	PATRICK CONNALLY et al vs. GRAFFEO COFFEE ROASTING COMPANY, INC., A et al	11/30/2007	Pending
CGC-07-470559	PATRICK CONNALLY et al vs. XOX TRUFFLES, INC., A CALIFORNIA CORPORATION et al	12/31/2007	Pending
CGC-08-470951	CRAIG YATES et al vs. CANDYSTORE COLLECTIVES,LLC A CALIFORNIA LIMITED et al	01/10/2008	Pending

PLAINTIFF/PETITIONER: **CRAIG YATES et al.**

CASE NUMBER:

DEFENDANT/RESPONDENT: **LA ROCCA'S CORNER, et al.****CGC-07-469605****ATTACHMENT** (Number): 1 Page 5 of 38

(This Attachment may be used with any Judicial Council form.) (Add pages as required)

CGC-08-470953	PATRICK CONNALLY et al vs. PETITE DELI et al	01/10/2008	Pending
CGC-08-472709	PATRICK CONNALLY et al vs. SUSHI ON NORTH BEACH-KATSU et al	02/28/2008	Pending
CGC-08-473260	CRAIG YATES et al vs. DA FLORA RESTAURANT et al	03/13/2008	Pending
CGC-08-473716	CRAIG YATES et al vs. BENJARONG THAI CUISINE et al	03/27/2008	Pending
CGC-08-474085	LES JANKEY et al vs. PLOUGH AND THE STARS, INC., A CALIFORNIA et al	04/09/2008	Pending
CGC-08-474557	LES JANKEY et al vs. HAWTHORNE/STONE REAL ESTATE INVESTMENTS, INC et al	04/23/2008	Pending

Court:

**San Mateo County Superior Court
400 County Center, Redwood City, California, 94063****Plaintiff: DISABILITY RIGHTS ENFORCEMENT, EDUCATION, SERVICES:
HELPING YOU HELP OTHERS**

None of the cases listed below have been designated or determined as "complex."

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PLAINTIFF/PETITIONER: **CRAIG YATES et al.**

CASE NUMBER:

DEFENDANT/RESPONDENT: **LA ROCCA'S CORNER, et al.****CGC-07-469605****ATTACHMENT** (Number): 1 Page 6 of 38

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<u>Case Number</u>	<u>Case Name</u>	<u>Filing Date</u>	<u>Status/Dismissal</u>
CIV456401	MARSHALL LOSKOT, et al vs. AIRPORT NO. TRAVELODGE	07/24/2006	Pending

Court: **Marin County Superior Court**
3501 Civic Center Drive Room #116, San Rafael, CA 94903

Plaintiff: YATES, CRAIG

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<u>Case Number</u>	<u>Case Name</u>	<u>Filing Date</u>	<u>Status/Dismissal</u>
CIV053454	CRAIG YATES, et al vs WOODSIDE OFFICE CENTER L.L.C., et al	7/28/2005	9/7/2005
CIV061583	CRAIG YATES, et al vs CAPRA'S RESTAURANT INC., et al	4/7/2006	4/10/2007
CIV062007	CRAIG YATES, et al. vs. VIKING BAR CORPORATION, et al.	5/12/2006	1/18/2008
CIV062223	CRAIG YATES, et al vs VIKING BAR CORPORATION, et al	5/22/2006	6/12/2006
CIV064664	CRAIG YATES, et al vs PETER PAN DOUGHNUTS, et al	10/19/2006	1/31/2008

ATTACHMENT
to Judicial Council Form

PLAINTIFF/PETITIONER: **CRAIG YATES et al.**

CASE NUMBER:

DEFENDANT/RESPONDENT: **LA ROCCA'S CORNER, et al.****CGC-07-469605****ATTACHMENT** (Number): 1 Page 7 of 38

(This Attachment may be used with any Judicial Council form.) (Add pages as required)

CIV071909

CRAIG YATES, et al. VS. MING YEN
RESTAURANT, et al.

4/24/2007 4/23/2008

Court:

Marin County Superior Court
3501 Civic Center Drive Room #116, San Rafael, CA 94903**Plaintiff: DISABILITY RIGHTS ENFORCEMENT, EDUCATION, SERVICES:
HELPING YOU HELP OTHERS**

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Case Number**Case Name****Filing Date Status/Dismissal**

CIV053454	CRAIG YATES, et al vs WOODSIDE OFFICE CENTER L.L.C., et al	7/28/2005	9/7/2005
CIV061134	PATRICK CONNALLY, et al. vs TACO JANE'S, et al	3/17/2006	11/1/2007
CIV061583	CRAIG YATES, et al vs CAPRA'S RESTAURANT INC., et al	4/7/2006	4/10/2007
CIV062007	CRAIG YATES, et al. vs. VIKING BAR CORPORATION, et al.	5/12/2006	1/18/2008
CIV062191	PATRICK CONNALLY, et al vs PEPPER'S RESTAURANT, et al	5/18/2006	4/17/2008
CIV062650	PATRICK CONNALLY, et al vs CHAI W. CHAN, et al	6/16/2006	6/6/2007

PLAINTIFF/PETITIONER: **CRAIG YATES et al.**

CASE NUMBER:

DEFENDANT/RESPONDENT: **LA ROCCA'S CORNER, et al.****CGC-07-469605****ATTACHMENT** (Number): 1 Page 8 of 38

(This Attachment may be used with any Judicial Council form.) (Add pages as required)

CIV064664	CRAIG YATES, et al vs PETER PAN DOUGHNUTS, et al	10/19/2006	1/31/2008
CIV071909	CRAIG YATES, et al. vs. MING YEN RESTAURANT, et al.	4/24/2007	4/23/2008
CIV072045	PATRICK CONNALLY, et al. vs. SHAPIRO ASSOCIATES	5/1/2007	3/14/2008

Court: **United States District Court for the Northern District of California**
450 Golden Gate Ave., San Francisco, California 94102
1301 Clay Street, Oakland, California 94612-5212
280 South 1st Street, San Jose, California 95113

Plaintiff: YATES, CRAIG

None of the cases listed below have been designated or determined as "complex."

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<u>Case Number</u>	<u>Case Name</u>	<u>Filing Date</u>	<u>Status/Dismissal</u>
3:2004cv04308-BZ	Yates et al v. Associated Main Street Partners, et al	10/12/2004	06/30/2005
3:2004cv05087-JCS	Yates et al v. Nicolai Building et al	12/01/2004	05/13/2005
3:2004cv05211-PJH	Yates et al v. Heller's For Children Inc. et al	12/09/2004	09/14/2005
3:2005cv03610-JL	Yates et al v. Woodside Office Center, L.L.C. et al	09/07/2005	09/01/2006

PLAINTIFF/PETITIONER: **CRAIG YATES et al.**

CASE NUMBER:

DEFENDANT/RESPONDENT: **LA ROCCA'S CORNER, et al.****CGC-07-469605****ATTACHMENT** (Number): 1 Page 9 of 38*(This Attachment may be used with any Judicial Council form.) (Add pages as required)*

3:2006cv07917-MMC	Yates et al v. Napa Valley Casino et al	12/27/2006	01/17/2008
3:2007cv00460-WHA	Yates et al v. Petco Animal Supplies Stores, Inc.	01/23/2007	01/02/2008
3:2007cv00946-CRB	Yates et al v. Celia's Restaurants Corporation et al	02/14/2007	05/08/2008
3:2007cv01403-MHP	Yates et al v. New Tin's Market et al	03/09/2007	03/06/2008
3:2007cv01405-WHA	Yates et al v. Belli Deli et al	03/09/2007	Pending
3:2007cv01566-PJH	Yates et al v. The Cheese Steak Shop Inc. et al	03/19/2007	08/28/2007
3:2007cv02100-JSW	Yates et al v. Foster Freeze Berkeley et al	04/13/2007	Pending
3:2007cv02525-MMC	Yates et al v. D & A Cafe Inc et al	05/11/2007	05/16/2008
3:2007cv02657-JL	Yates et al v. Winter Properties et al	05/18/2007	Pending
3:2007cv03033-EDL	Yates et al v. El Sombrero et al	06/12/2007	Pending
3:2007cv03326-MMC	Yates et al v. Bimbo Bakeries USA, Inc. et al	06/25/2007	12/27/2007
4:2007cv03889-WDB	Yates et al v. Lotus Cuisine of India et al	07/30/2007	06/05/2008
3:2007cv04177-EDL	Yates et al v. Discount Alley Inc. et al	08/14/2007	Pending
3:2007cv04395-JCS	Yates et al v. Red's Recovery Room Inc. et al	08/24/2007	Pending
3:2007cv05485-MMC	Yates et al v. N-O-H-R Plaza et al	10/26/2007	Pending
3:2007cv06498-WHA	Yates et al v. Levin Commercial Facility et al	12/28/2007	Pending
3:2008cv00356-JSW	Yates et al v. Unicorn Pan Asian Cuisine et al	01/18/2008	Pending
3:2008cv00737-JCS	Yates et al v. Burger King #3157 et al	01/31/2008	Pending
3:2008cv01877-WHA	Yates et al v. King of Thai Noodle #2 Inc. et al	04/08/2008	Pending

PLAINTIFF/PETITIONER: **CRAIG YATES et al.**

CASE NUMBER:

DEFENDANT/RESPONDENT: **LA ROCCA'S CORNER, et al.****CGC-07-469605****ATTACHMENT** (Number): 1 Page 10 of 38

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3:2008cv01958-JCS	Yates et al v. Sweet Delight et al	04/14/2008	Pending
3:2008cv02165-SI	Yates et al v. Twice is Nice et al	04/25/2008	Pending
3:2008cv02293-PJH	Yates et al v. Zephyr Cafe et al	05/02/2008	Pending
4:2008cv02545-CW	Yates et al v. Sushi Bistro Inc et al	05/20/2008	Pending
3:2008cv02734-SI	Yates et al v. Syers Properties LLP	05/30/2008	No appearance by defendant
3:2008cv02932-JL	Yates et al v. Benjarong Thai Cuisine et al	06/12/2008	Pending
3:2008cv03004-EDL	Yates et al v. Franklin Arden LLC	06/18/2008	Pending
3:2008cv03183-BZ	Yates et al v. Happy Dragon et al	07/02/200	No appearance by defendant
4:2008cv03914-CW	Yates et al v. Tequila Grill et al	08/15/2008	Not served

Court: **United States District Court for the Northern District of California**
450 Golden Gate Ave., San Francisco, California 94102
1301 Clay Street, Oakland, California 94612-5212
280 South 1st Street, San Jose, California 95113

**Plaintiff: DISABILITY RIGHTS ENFORCEMENT, EDUCATION, SERVICES:
HELPING YOU HELP OTHERS**

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PLAINTIFF/PETITIONER: **CRAIG YATES et al.**

CASE NUMBER:

DEFENDANT/RESPONDENT: **LA ROCCA'S CORNER, et al.****CGC-07-469605****ATTACHMENT** (Number): 1 Page 11 of 38

(This Attachment may be used with any Judicial Council form.) (Add pages as required)

<u>Case Number</u>	<u>Case Name</u>	<u>Filing Date</u>	<u>Status/Dismissal</u>
3:2000cv04298-WHA	Cone, et al v. Sequoia Grove	11/17/2000	09/10/2001
3:2000cv04352-TEH	Cone, et al v. Sonoma Valley Visit	11/20/2000	10/24/2001
3:2000cv04353-PJH	Ray, et al v. Comfort Inn, et al	11/20/2000	06/14/2001
3:2001cv00489-SI	Jankey, et al v. Hotel Del Sol, et al	01/30/2001	09/13/2001
4:2001cv00488-CW	Cone, et al v. Napa Valley Marriott, et al	01/30/2001	08/31/2001
4:2001cv00320-WDB	Pickern, et al v. City of Eureka, et al	01/19/2001	10/22/2001
3:2001cv00673-MMC	Pickern, et al v. Willow Creek 76, Inc	02/13/2001	10/02/2001
3:2001cv00675-MJJ	Pickern, et al v. Chevron Willow Creek, et al	02/13/2001	06/20/2001
3:2001cv00680-PJH	Ray, et al v. Pacific Motor Inn, et al	02/13/2001	05/23/2002
4:2001cv00828-CW	Doran, et al v. Balboa Cafe, et al	02/26/2001	09/24/2001
3:2001cv00829-SI	Doran, et al v. Rendezvous Cafe, et al	02/26/2001	09/13/2002
3:2001cv01667-JL	D'Lil et al v. Bijou Associates LLC et al	04/30/2001	03/15/2002
3:2001cv01739 -JCS	Doran et al v. Wilson & Kratzer Mortuaries, Inc.	05/03/2001	03/28/2002
3:2001cv02111-JL	Pickern et al v. Napa Auto Parts Eureka Store et al	05/31/2001	01/11/2002
3:2001cv02112-SI	Pickern et al v. Fresh Freeze Supply, Inc.	05/31/2001	01/29/2002
3:2001cv01741-CRB	Connally et al v. Bahia Business Center et al	05/03/2001	05/14/2002
3:2001cv01808-MMC	Kone et al v. Zandonella Reporting Service, Inc. et al	05/09/2001	06/17/2002
5:2001cv20401-RS	Samuel et al v. E Z 8 Motels Inc et al	05/10/2001	09/18/2001
3:2001cv02168-PJH	Gerber et al v. La Scala Inn et al	06/04/2001	05/23/2002
4:2001cv02202-CW	Pickern et al v. Best Western Inn at the Square et al	06/06/2001	04/26/2002

PLAINTIFF/PETITIONER: **CRAIG YATES et al.**

CASE NUMBER:

DEFENDANT/RESPONDENT: **LA ROCCA'S CORNER, et al.****CGC-07-469605****ATTACHMENT** (Number): 1 Page 12 of 38

(This Attachment may be used with any Judicial Council form.) (Add pages as required)

3:2001cv02237-VRW	Loskot, et al -v- Sea Captain Motel, et al	06/07/2001	02/03/2003
3:2001cv02777-CRB	Taubold et al v. City of Fort Bragg	07/20/2001	03/31/2004
3:2001cv03145-PJH	Connally et al v. Fast Eddie's Style Bar B-Que et al	08/15/2001	10/03/2002
3:2001cv03268-PJH	Doran et al v. Redwood Inn et al	08/27/2001	10/28/2002
3:2001cv03348-JCS	Moeller et al v. Benihana Restaurant Burlingame et al	09/04/2001	09/23/2002
4:2001cv03412-SBA	Doran et al v. Quality Inn Eureka et al	09/07/2001	05/23/2002
3:2001cv03866-VRW	Loskot et al v. Broadway Manor Inn et al	10/12/2001	04/24/2003
3:2001cv04016-VRW	Doran et al v. Capri Motel et al	10/25/2001	06/28/2002
3:2001cv05227-JL	Doran et al v. Premier Inns Concord et al	12/26/2001	04/29/2002
3:2001cv05228-MMC	Doran et al v. Nantucket Restaurant et al	12/26/2001	05/14/2002
3:2001cv05364-JL	Doran et al v. China King Restaurant et al	12/27/2001	08/08/2002
4:2002cv00229-WDB	Doran et al v. Mill Valley Travelodge et al	01/14/2002	03/18/2003
4:2002cv01554-CW	Loskot et al v. Zack's Family Restaurant and Catering et al	04/01/2002	10/28/2003
3:2002cv01881-PJH	Doran et al v. Vogue Cleaners, Inc. et al	04/18/2002	10/02/2002
3:2002cv01961-EDL	Doran et al v. Embassy Suites Hotel et al	04/22/2002	06/16/2003
3:2002cv02666-CRB	Doran et al v. Pacific Heights Inn et al	06/04/2002	11/05/2003
3:2002cv03341-CRB	Connally et al v. West End Shopping Center et al	07/11/2002	04/25/2003
3:2002cv03260-PJH	Doran et al v. Francisco Bay Inn et al	07/09/2002	09/04/2003
3:2002cv03261-JCS	Doran et al v. Bel Aire Properties	07/09/2002	10/17/2003
3:2002cv04138-CRB	Ashley et al v. Presidio Inn et al	08/28/2002	05/15/2003
3:2002cv04536-EDL	Cone et al v. Sonoma Cheese Factory LLC et al	09/18/2002	08/15/2003

PLAINTIFF/PETITIONER: **CRAIG YATES et al.**

CASE NUMBER:

DEFENDANT/RESPONDENT: **LA ROCCA'S CORNER, et al.****CGC-07-469605****ATTACHMENT** (Number): 1 Page 13 of 38

(This Attachment may be used with any Judicial Council form.) (Add pages as required)

4:2002cv04537-CW	Loskot et al v. Polk Street Econo Lodge et al	09/18/2002	12/18/2003
3:2002cv04543-EDL	Doran et al v. Concord Best Western Heritage Inn et al	09/18/2002	05/12/2003
3:2002cv04545-MJJ	Jankey et al v. Castle Inn et al	09/18/2002	03/22/2004
5:2002cv05269-JF	Cone et al v. Los Altos Restaurant et al	11/01/2002	05/13/2003
3:2002cv05448-VRW	Cone et al v. Broiler Express et al	11/18/2002	09/08/2003
3:2002cv05463-JL	Loskot et al v. Pizzeria Uno Lombard, Inc.	11/18/2002	03/02/2004
5:2002cv05503-JF	Wells et al v. Wildhorse Cafe et al	11/19/2002	07/29/2003
5:2002cv05507-PVT	Wells et al v. Beacon King City Truck Plaza et al	11/19/2002	07/14/2003
5:2002cv05947-SI	Connally et al v. Sebt Mall et al	12/26/2002	09/15/2004
5:2003cv00018-HRL	Molski et al v. Camelot Restaurant et al	01/02/2003	09/08/2003
3:2003cv00192-WHA	Doran et al v. Newell Avenue Strip Mall et al	01/13/2003	12/09/2003
3:2003cv00348-MEJ	Doran et al v. Pane E. Vino Restaurant et al	01/27/2003	07/07/2003
3:2003cv00675-MJJ	Brooke et al v. Bell Market Novato et al	02/18/2003	08/11/2004
3:2003cv01370-JL	Connally et al v. Hunan Restaurant et al	03/31/2003	12/11/2003
3:2003cv01134-JSW	Doran et al v. Montecatini Ristorante, Inc. et al	03/17/2003	01/06/2004
4:2003cv01181-CW	Connally et al v. Kinko's Inc. et al	03/19/2003	01/15/2004
3:2003cv01190-CRB	Doran et al v. C.C. Ole's Mexican Restaurant et al	03/19/2003	01/29/2004
3:2003cv01387-JL	Connally et al v. Court Square Center et al	04/01/2003	02/09/2004
3:2003cv01491-BZ	Doran et al v. Richardson Economy Inn et al	04/08/2003	06/25/2004
4:2003cv01762-WDB	Wilson et al v. Longs Drugs Store et al	04/21/2003	11/16/2004
3:2003cv01796-WHA	Doran et al v. Franklin Building et al	04/22/2003	01/28/2004

PLAINTIFF/PETITIONER: **CRAIG YATES et al.**

CASE NUMBER:

DEFENDANT/RESPONDENT: **LA ROCCA'S CORNER, et al.****CGC-07-469605****ATTACHMENT** (Number): 1 Page 14 of 38

(This Attachment may be used with any Judicial Council form.) (Add pages as required)

3:2003cv01913-VRW	Wilson et al v. Trancas mall et al	04/28/2003	09/05/2003
3:2003cv02427-VRW	Doran et al v. Antioch Heritage Inn et al	05/22/2003	08/27/2004
3:2003cv02428-MMC	Doran et al v. Casper's Hot Dogs et al	05/22/2003	12/19/2003
3:2003cv02639-MMC	Doran et al v. Holiday Inn Express Brentwood et al	06/05/2003	01/29/2004
3:2003cv02641-PJH	Doran et al v. Days Inn Geary Street et al	06/05/2003	05/11/2004
3:2003cv02697-MJJ	Loskot et al v. Best Inn El Cerrito et al	06/10/2003	02/23/2004
3:2003cv02837-MEJ	Harris et al v. Crescent City Days Inn. et al	06/17/2003	02/17/2004
3:2003cv02895-VRW	Loskot et al v. Taqueria Mexican Grill et al	06/23/2003	03/29/2005
3:2003cv02902-MJJ	Harris et al v. Curly Redwood Lodge, LLC	06/23/2003	09/23/2004
3:2003cv02904-MHP	Harris et al v. Denny's Crescent City et al	06/23/2003	10/05/2004
3:2003cv03530-SI	Harris et al v. Ghiradelli Square Travelodge et al	07/29/2003	08/13/2004
3:2003cv04241-MEJ	Doran et al v. Huntington Hotel et al	09/17/2003	06/14/2004
3:2003cv04329-JCS	Connally et al v. Magnolia Center et al	09/24/2003	08/10/2004
3:2003cv04688-JCS	Connally et al v. Jim Corbet's Ace Hardware et al	10/17/2003	08/10/2004
3:2003cv04702-JSW	Doran et al v. Seal Rock Inn et al	10/20/2003	01/31/2005
4:2003cv04902-SBA	Loskot et al v. Ramada Inn Oakland et al	11/03/2003	05/19/2005
3:2003cv04990-JCS	Connally et al v. West America Bank et al	11/10/2003	08/10/2004
3:2003cv05049-JCS	Connally et al v. Mc Leran Properties et al	11/13/2003	08/10/2004
3:2003cv05243-MEJ	Stickney et al v. Giant Chef Burger, Inc. et al	11/24/2003	06/16/2005
3:2003cv05485-SI	Moss et al v. Hearst Parking Center et al	12/04/2003	08/03/2004
3:2003cv05571-SI	Connally et al v. Sebt Mall et	12/11/2003	08/04/2004

PLAINTIFF/PETITIONER: **CRAIG YATES et al.**

CASE NUMBER:

DEFENDANT/RESPONDENT: **LA ROCCA'S CORNER, et al.****CGC-07-469605****ATTACHMENT** (Number): 1 Page 15 of 38

(This Attachment may be used with any Judicial Council form.) (Add pages as required)

3:2004cv00826-MJJ	Doran et al v. Jackson's Wine and Spirits et al	02/27/2004	11/29/2004
3:2004cv01128-BZ	Wilson et al v. Ring's Restaurant et al	03/22/2004	08/26/2004
3:2004cv01129-CRB	Loskot et al v. Best Western Carriage Inn et al	03/22/2004	08/23/2004
3:2004cv01217-PJH	Connally et al v. Pacific Lumber and Hardware et al	03/26/2004	09/13/2004
3:2004cv01241-TEH	Connally et al v. Three Dragons Restaurant et al	03/29/2004	10/27/2004
3:2004cv01313-CRB	Connally et al v. Entenmann's Inc. et al	04/05/2004	06/29/2004
3:2004cv01314-JL	Connally et al v. Woodger Trust Building et al	04/05/2004	09/07/2004
3:2004cv01356-JL	Loskot et al v. Holiday Inn Concord et al	04/07/2004	01/19/2005
4:2004cv01443-CRB	Connally et al v. Entenmann's Inc. et al	04/13/2004	08/25/2004
3:2004cv01488-VRW	Connally et al v. Celia's Mexican Restaurant et al	04/15/2004	01/31/2005
3:2003cv01192-SI	Doran et al v. Corte Madera Inn Best Western et al	04/22/2004	06/01/2004
3:2004cv01606-VRW	Cone et al v. Healdsburg Travelodge et al	04/26/2004	02/23/2005
3:2004cv01607-WHA	Loskot et al v. Pete's Henny Penny et al	04/26/2004	07/05/2005
3:2004cv01725-JSW	Cone et al v. Dry Creek Inn Ltd. Partnership	05/03/2004	04/06/2005
5:2004cv01852-PVT	Molski et al v. Lupita et al	05/11/2004	01/04/2005
3:2004cv01854-BZ	Molski et al v. Pump N Go et al	05/11/2004	02/03/2005
5:2004cv01880-RMW	Molski et al v. The Cove et al	05/12/2004	04/21/2005
5:2004cv01881-PVT	Molski et al v. Rapazzini Winery et al	05/12/2004	02/09/2006
5:2004cv01882-PVT	Molski et al v. El 7 Mares Restaurant et al	05/12/2004	06/17/2005

PLAINTIFF/PETITIONER: **CRAIG YATES et al.**

CASE NUMBER:

DEFENDANT/RESPONDENT: **LA ROCCA'S CORNER, et al.****CGC-07-469605****ATTACHMENT** (Number): 1 Page 16 of 38

(This Attachment may be used with any Judicial Council form.) (Add pages as required)

5:2004cv01942-RS	Molski et al v. Longhouse Restaurant, Inc. et al	05/18/2004	02/10/2005
5:2004cv01943-RMW	Molski et al v. Elaine M. West et al	05/18/2004	10/21/2005
5:2004cv01941-JF	Molski et al v. Toro Petroleum et al	05/18/2004	02/08/2005
5:2004cv01945-JW	Molski et al v. Morgan Hill 76 et al	05/18/2004	10/12/2005
5:2004cv01947-RMW	Molski et al v. Casa Medina et al	05/18/2004	08/24/2007
5:2004cv01981-PVT	Molski et al v. Casa De Fruta, L.P., et al	05/20/2004	03/07/2005
5:2004cv01983-RMW	Molski et al v. Roy's Drive-In et al	05/20/2004	11/18/2004
5:2004cv01984-JW	Molski et al v. Albertson's, Inc.,	05/20/2004	10/19/2005
5:2004cv01985-HRL	Molski et al v. La Rochelle et al	05/20/2004	07/29/2005
5:2004cv02118-HRL	Molski et al v. Georis Winery et al	05/28/2004	04/06/2005
5:2004cv02164-PVT	Molski et al v. Heller Estates, Inc. et al	06/02/2004	07/26/2005
5:2004cv02165-HRL	Molski et al v. Bernardus, LLC et al	06/02/2004	07/01/2005
3:2001cv02203-EDL	Doran et al v. Star Motel et al	06/06/2001	10/02/2002
5:2004cv02222-JW	Molski et al v. Gilroy Bowl et al	06/07/2004	02/08/2006
5:2004cv02223-RMW	Molski et al v. Running Iron Bar & Restaurant et al	06/07/2004	10/06/2005
5:2004cv02224-RS	Molski et al v. Tarpy's Roadhouse Restaurant et al	06/07/2004	04/13/2005
5:2004cv02226-PVT	Molski et al v. Copper-Garrod Estate Vineyards et al	06/07/2004	06/10/2005
3:2001cv02235-JL	Pickern et al v. Villa Inn et al	06/07/2001	03/30/2004
5:2004cv02254-JW	Molski et al v. Sycamore Creek Vineyards	06/08/2004	09/28/2005
4:2001cv02255-CW	Pickern et al v. Surf Motel et al	06/08/2001	03/28/2002
5:2004cv02416- RMW	Molski et al v. Tiny's Restaurant, Inc. et al	06/18/2004	10/06/2005

PLAINTIFF/PETITIONER: **CRAIG YATES et al.**

CASE NUMBER:

DEFENDANT/RESPONDENT: **LA ROCCA'S CORNER, et al.****CGC-07-469605****ATTACHMENT** (Number): 1 Page 17 of 38*(This Attachment may be used with any Judicial Council form.) (Add pages as required)*

5:2004cv02438-JF	Molski et al v. Round Table Pizza Santa Cruz et al	06/21/2004 07/15/2005
5:2004cv02439-JW	Molski et al v. Santa Cruz Diner et al	06/21/2004 02/05/2007
5:2004cv02465-JW	Molski et al v. Thai Village Restaurant et al	06/21/2004 12/14/2004
5:2004cv02466-RS	Molski et al v. White Oaks Plaza	06/21/2004 03/30/2005
5:2004cv02471-JW	Molski et al v. Sunrise Cafe' et al	06/22/2004 01/18/2006
5:2004cv02612-RMW	Connally et al v. Akira Sushi et al	06/29/2004 12/23/2005
3:2004cv02845-TEH	Loskot et al v. Dollar Inn Petaluma et al	07/14/2004 10/06/2005
3:2004cv02848-VRW	Loskot et al v. Holiday Inn Walnut Creek et al	07/14/2004 12/30/2004
3:2004cv02917-CRB	Loskot et al v. Golden Horse Restaurant et al	07/19/2004 02/08/2005
3:2004cv02919-SI	Connally et al v. Red Boy Pizza et al	07/19/2004 03/01/2005
3:2004cv02920-VRW	Connally et al v. Frank's Pier 15 et al	07/19/2004 06/16/2005
3:2004cv02921-MEJ	Connally et al v. Peking Palace et al	07/19/2004 05/03/2006
3:2004cv03156-TEH	Connally et al v. Thai et al	08/03/2004 12/07/2004
3:2004cv03170-JSW	Connally et al v. Cento Stelle, Inc. et al	08/03/2004 11/02/2005
3:2004cv03479-JCS	Connally et al v. Marin Express Lube & Diagnostic Center and Peter's Beacon et al	08/20/2004 06/22/2005
3:2004cv03651-JL	Connally et al v. House of Lee Chinese Restaurant et al	08/27/2004 05/03/2005
3:2004cv03914-BZ	Connally et al v. Eduardo's Restaurant et al	09/16/2004 08/08/2005
4:2004cv03986-CW	Loskot et al v. Diablo Mazda Subaru et al	09/21/2004 03/16/2005
4:2004cv04075-SBA	Connally et al v. Packaging Store et al	09/27/2004 07/19/2005
3:2004cv04308-BZ	Yates et al v. Associated Main Street Partners, et al	10/12/2004 06/30/2005

PLAINTIFF/PETITIONER: **CRAIG YATES et al.**

CASE NUMBER:

DEFENDANT/RESPONDENT: **LA ROCCA'S CORNER, et al.****CGC-07-469605****ATTACHMENT** (Number): 1 Page 18 of 38

(This Attachment may be used with any Judicial Council form.) (Add pages as required)

5:2004cv04352-HRL	Molski et al v. Casanova Restaurant LLC et al	10/14/2004 04/06/2005
3:2004cv04355-EDL	Loskot et al v. Thai et al	10/14/2004 10/24/2005
5:2004cv04451-RMW	Molski et al v. Jack London's Bar & Grill et al	10/21/2004 12/14/2007
3:2004cv04485-VRW	Loskot et al v. San Francisco Central Travelodge et al	10/22/2004 02/24/2006
5:2004cv04488-HRL	Molski et al v. Friar Tuck's Restaurant et al	10/22/2004 08/09/2005
5:2004cv04590-PVT	Molski et al v Carmel Bakery	10/29/2004 09/30/2005
5:2004cv04646-JF	Molski, et al v A.W. Shucks, et al	11/02/2004 05/19/2006
3:2004cv04656-MJJ	Loskot et al v. Washington Square Bar & Grill et al	11/03/2004 06/14/2005
5:2004cv04679-HRL	Molski et al v. Robata Grill & Sake Bar et al	11/03/2004 10/30/2006
5:2004cv04713-RS	Molski et al v. Lugano Swiss Bistro et al	11/08/2004 10/03/2006
3:2004cv04739-BZ	Connally et al v. Dragon Cafe' et al	11/09/2004 06/21/2005
3:2004cv04970-MMC	Moss et al v. Izzy's Steak & Chop House, Inc et al	11/23/2004 07/29/2005
3:2004cv04988-PJH	Loskot et al v. Hyde Out et al	11/24/2004 02/20/2007
3:2004cv04989-PJH	Wilson v. Marie Callender's	11/24/2004 11/16/2005
3:2004cv05058-JL	Connally et al v. Pelican Inn Associates	11/30/2004 01/24/2006
3:2004cv05087-JCS	Yates et al v. Nicolai Building et al	12/01/2004 05/13/2005
3:2004cv05088-CRB	Connally et al v. Marin Cleaners, Inc. et al	12/01/2004 03/21/2005
3:2004cv05210-TEH	Loskot et al v. Taqueria Bahia: 1200 4th Street LLC	12/09/2004 03/07/2005
3:2004cv05211-PJH	Yates et al v. Heller's For Children Inc. et al	12/09/2004 09/14/2005
3:2004cv05318-PJH	Archuleta et al v. Jack's Club et al	12/15/2004 12/06/2005

PLAINTIFF/PETITIONER: **CRAIG YATES et al.**

CASE NUMBER:

DEFENDANT/RESPONDENT: **LA ROCCA'S CORNER, et al.****CGC-07-469605****ATTACHMENT** (Number): 1 Page 19 of 38

(This Attachment may be used with any Judicial Council form.) (Add pages as required)

4:2004cv05457-WDB	Loskot et al v. Days Inn San Rafael et al	12/27/2004	10/11/2005
3:2005cv00454-JL	Loskot et al v. La Barca et al	01/31/2005	10/05/2005
4:2005cv01877-CW	Moss et al v. All Star Donuts et al	05/06/2005	04/18/2006
3:2005cv03610-JL	Yates et al v. Woodside Office Center, L.L.C. et al	09/07/2005	09/01/2006
3:2006cv03289-JCS	Jankey et al v. Ted's Sport Bar & Grill et al	05/18/2006	8/21/08
3:2006cv03423-CRB	Jankey et al v. Heritage Marina Hotel et al	05/25/2006	05/22/2007
3:2005cv02239-JCS	Connally et al v. Frank's Freeze et al	06/02/2005	05/31/2006
3:2006cv05923-JL	Loskot et al v. International Inn	09/25/2006	08/04/2008
3:2006cv05920-PJH	Piazza et al v. Flames Coffee Shop et al	09/25/2006	08/10/2007
3:2006cv06156-PJH	Jankey et al v. Tia Margarita et al	10/02/2006	01/25/2008
3:2006cv06577-WHA	Connally et al v. Sol Food et al	10/20/2006	08/16/2007
3:2006cv07525-MHP	Loskot et al v. La Quinta Inn Oakland Airport et al	12/07/2006	01/30/2008
3:2006cv07917-MMC	Yates et al v. Napa Valley Casino et al	12/27/2006	01/17/2008
3:2007cv00460-WHA	Yates et al v. Petco Animal Supplies Stores, Inc.	01/23/2007	01/02/2008
3:2007cv00946-CRB	Yates et al v. Celia's Restaurants Corporation et al	02/14/2007	05/08/2008
3:2007cv00947-TEH	Connally et al v. Roxie Food & Commercial Center et al	02/14/2007	01/11/2008
3:2007cv01250-WHA	Connally et al v. USA Smog & Gasoline et al	03/02/2007	Pending, no appearance by defendant
3:2007cv01403-MHP	Yates et al v. New Tin's Market et al	03/09/2007	03/06/2008
3:2007cv01405-WHA	Yates et al v. Belli Deli et al	03/09/2007	Pending
4:2007cv01537-CW	Loskot et al v. University Inn et al	03/16/2007	Pending

PLAINTIFF/PETITIONER: **CRAIG YATES et al.**

CASE NUMBER:

DEFENDANT/RESPONDENT: **LA ROCCA'S CORNER, et al.****CGC-07-469605****ATTACHMENT** (Number): 1 Page 20 of 38

(This Attachment may be used with any Judicial Council form.) (Add pages as required)

3:2007cv01566-PJH	Yates et al v. The Cheese Steak Shop Inc. et al	03/19/2007	08/28/2007
3:2007cv02100-JSW	Yates et al v. Foster Freeze Berkeley et al	04/13/2007	Pending
3:2007cv02410-SI	Connally et al v. Phyllis's Giant Burger et al.	05/03/2007	02/22/2008
3:2007cv02525-MMC	Yates et al v. D & A Cafe Inc et al	05/11/2007	05/16/2008
3:2007cv02656-JL	Heatherly et al v. Wood et al	05/18/2007	No appearance
3:2007cv02657-JL	Yates et al v. Winter Properties et al	05/18/2007	Pending
3:2007cv03033-EDL	Yates et al v. El Sombrero et al	06/12/2007	Pending
3:2007cv03326-MMC	Yates et al v. Bimbo Bakeries USA, Inc. et al	06/25/2007	12/27/2007
4:2007cv03889-WDB	Yates et al v. Lotus Cuisine of India et al	07/30/2007	06/05/2008
3:2007cv03890-MEJ	Ramirez et al v. Fircrest Market et al	07/31/2007	07/17/2008
3:2007cv04177-EDL	Yates et al v. Discount Alley Inc. et al	08/14/2007	Pending
3:2007cv04395-JCS	Yates et al v. Red's Recovery Room Inc. et al	08/24/2007	Pending
3:2007cv04396-MEJ	Ramirez et al v. Union Hotel Inc. et al	08/24/2007	Pending
3:2007cv04463-JCS	Ramirez et al v. Omelette Express Inc. et al	08/28/2007	Pending
3:2007cv04813-JSW	Moss et al v. Molte Cose et al	09/19/2007	Pending
3:2007cv05485-MMC	Yates et al v. N-O-H-R Plaza et al	10/26/2007	Pending
3:2007cv06498-WHA	Yates et al v. Levin Commercial Facility et al	12/28/2007	Pending
3:2008cv00356-JSW	Yates et al v. Unicorn Pan Asian Cuisine et al	01/18/2008	Pending
3:2008cv00737-JCS	Yates et al v. Burger King #3157 et al	01/31/2008	Pending
3:2008cv01403-MEJ	Ramirez et al v. Martha's Old Mexico et al	03/12/2008	Pending

PLAINTIFF/PETITIONER: **CRAIG YATES et al.**

CASE NUMBER:

DEFENDANT/RESPONDENT: **LA ROCCA'S CORNER, et al.****CGC-07-469605****ATTACHMENT** (Number): 1 Page 21 of 38

(This Attachment may be used with any Judicial Council form.) (Add pages as required)

3:2008cv01876-CRB	Jankey et al v. King of Thai Noodle House et al	04/08/2008	Pending
3:2008cv01877-WHA	Yates et al v. King of Thai Noodle #2 Inc. et al	04/08/2008	Pending
3:2008cv01958-JCS	Yates et al v. Sweet Delight et al	04/14/2008	Pending
3:2008cv02164-JL	Jankey et al v. Geary Street Bella Pizza et al	04/25/2008	Pending
3:2008cv02165-SI	Yates et al v. Twice is Nice et al	04/25/2008	Pending
3:2008cv02293-PJH	Yates et al v. Zephyr Cafe et al	05/02/2008	Pending
4:2008cv02545-CW	Yates et al v. Sushi Bistro Inc et al	05/20/2008	Pending
3:2008cv02733-MMC	Jankey et al v. Five Happiness Restaurant Inc et al	05/30/2008	Pending
3:2008cv02734-SI	Yates et al v. Syers Properties LLP	05/30/2008	No appearance by defendant
3:2008cv02932-JL	Yates et al v. Benjarong Thai Cuisine et al	06/12/2008	Pending
3:2008cv02978-JCS	Jankey et al v. Red Jack Saloon et al	06/16/2008	Pending
3:2008cv03004-EDL	Yates et al v. Franklin Arden LLC	06/18/2008	Pending
3:2008cv03183-BZ	Yates et al v. Happy Dragon et al	07/02/2008	No appearance by defendant
4:2008cv03914-CW	Yates et al v. Tequila Grill et al	08/15/2008	Not served

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PLAINTIFF/PETITIONER: **CRAIG YATES et al.**

CASE NUMBER:

DEFENDANT/RESPONDENT: **LA ROCCA'S CORNER, et al.****CGC-07-469605****ATTACHMENT** (Number): 1 Page 22 of 38

(This Attachment may be used with any Judicial Council form.) (Add pages as required)

Court: **United States District Court for the Central District of California**
Eastern Division -- 3470 Twelfth Street, Riverside, CA 92501
Southern Division -- 411 West Fourth Street, Room 1053, Santa Ana, CA 92701-4516
Western Division -- Roybal Federal Bldg -- 255 East Temple Street, Los Angeles, CA 90012
Western Division -- Spring Street Courthouse -- 312 N. Spring Street, Los Angeles, CA 90012

Plaintiff: **DISABILITY RIGHTS ENFORCEMENT, EDUCATION, SERVICES:**
HELPING YOU HELP OTHERS

None of the cases listed below have been designated or determined as "complex."

Relationship of this case to the case referenced above (check all that apply):

- ☒ involves the same parties and is based on the same or similar claims.
- ☒ arises from the same or substantially identical transactions, incidents, or events requiring the determination of the same or substantially identical questions of law or fact.
- ☐ involves claims against, title to, possession of, or damages to the same property.
- ☒ is likely for other reasons to require substantial duplication of judicial resources if heard by different judges.
- ☒ Additional explanation is attached in attachment 2.

<u>Case Number</u>	<u>Case Name</u>	<u>Filing Date</u>	<u>Status/Dismissal</u>
2:2000cv11564-RJK	Pellecer, et al v. Lazaro Wisnia	10/30/2000	04/23/2001
2:2001cv04019-SVW	Craig, et al v. Guesthouse Hotel, et al	05/02/2001	05/16/2002
2:2001cv08178-RJK	Ellis, et al v. Los Robles Regional, et al	09/20/2001	07/09/2002
8:2002cv00171-DOC	Bailey Harmon, et al v. Captain Jack's, et al	02/20/2002	02/19/2003
2:2002cv04211-CAS	Ellis, et al v. Arby's Thousand Oaks, et al	05/28/2002	07/18/2003
2:2002cv08837-DDP	Ellis, et al v. Jack's Deli	11/18/2002	06/18/2003
2:2002cv08838-PA	Ellis, et al v. Heritage Plaza, et al	11/18/2002	05/12/2003
2:2002cv06751-GAF	Jankey, et al v. Barones Inc, et al	08/28/2002	05/28/2003
2:2003cv00029-SVW	Phyllis Ellis, et al v. Manny's Original, et al	01/02/2003	08/26/2003

PLAINTIFF/PETITIONER: **CRAIG YATES et al.**

CASE NUMBER:

DEFENDANT/RESPONDENT: **LA ROCCA'S CORNER, et al.****CGC-07-469605****ATTACHMENT** (Number): 1 Page 23 of 38

(This Attachment may be used with any Judicial Council form.) (Add pages as required)

2:2003cv01400-RGK	Molski, et al v. Sierra Restaurant, et al	02/27/2003 05/05/2003
2:2003cv01433-NM	Molski, et al v. Yang Chow Restaurant, et al	02/28/2003 03/31/2004
2:2003cv01801-SVW	Molski, et al v. Mission Burrito, et al	03/13/2003 05/16/2003
2:2003cv01841-R	Molski, et al v. Roscoe Center, et al	03/14/2003 05/12/2003
2:2003cv02069-DSF	Ellis, et al v. Le Rendez-vous, et al	03/24/2003 01/20/2004
2:2003cv02239-ER	Jankey, et al v. Yang Chow Restaurant, et al	03/31/2003 07/07/2005
2:2003cv02240-JSL	Molski, et al v. Edokko Japanese, et al	03/31/2003 04/20/2004
2:2003cv02316-MMM	Ellis, et al v. Hampshire Retail, et al	04/02/2003 12/11/2003
2:2003cv02445-LGB	Jankey, et al v. Sizzler's Hollywood, et al	04/07/2003 12/09/2004
2:2003cv02561-SVW	Jankey, et al v. Oaks Center Prop Inc	04/10/2003 04/15/2004
2:2003cv02656-GAF	Molski, et al v. Canoga Park Bowl Inc, et al	04/15/2003 07/23/2004
2:2003cv02793-SJO	Jankey, et al v. Denny's Sepulveda, et al	04/21/2003 05/07/2004
8:2003cv00692-CJC	Molski, et al v. Roscoe Center, et al	05/12/2003 02/02/2004
8:2003cv00478-JVS	Molski, et al v. Sierra Restaurant, et al	05/05/2003 02/26/2004
8:2003cv00673-CJC	Ellis, et al v. Heritage Plaza, et al	05/12/2003 08/27/2003
2:2003cv03442-MMM	Molski, et al v. N & N Chinese Rest, et al	05/15/2003 04/20/2004
8:2003cv00754-JVS	Molski, et al v. Mission Burrito, et al	05/16/2003 02/26/2004
8:2003cv00868-CJC	Jankey, et al v. Barones Inc, et al	05/28/2003 11/17/2003
5:2003cv00620-VAP	Molski, et al v. Jewel City Bowl, et al	06/02/2003 04/07/2004
2:2003cv04467-DDP	Molski, et al v. Chris & Pitts BBQ, et al	06/23/2003 04/13/2004
2:2003cv04469-DDP	Molski, et al v. Chris & Pitts BBQ VN, et al	06/23/2003 04/13/2004
2:2003cv04808-CBM	Molski, et al v. Vittorios Italian, et al	07/07/2003 05/27/2004

PLAINTIFF/PETITIONER: **CRAIG YATES et al.**

CASE NUMBER:

DEFENDANT/RESPONDENT: **LA ROCCA'S CORNER, et al.****CGC-07-469605****ATTACHMENT** (Number): 1 Page 24 of 38

(This Attachment may be used with any Judicial Council form.) (Add pages as required)

2:2003cv04809-GW	Molski, et al v. Cable's Restaurant, et al	07/07/2003	02/04/2008
2:2003cv04957-MMM	Moss, et al v. Hollywood Days Inn, et al	07/11/2003	02/23/2004
2:2003cv05070-RSWL	Molski, et al v. Bear Pit Restaurant, et al	07/16/2003	09/23/2004
2:2003cv05455-R	Molski, et al v. Valencia Lanes Inc, et al	07/30/2003	03/01/2004
2:2003cv05456 -ABC	Molski, et al v. Harley's Simi Bowl, et al	07/30/2003	05/11/2004
2:2003cv05457-MMM	Molski, et al v. Java Lanes, et al	07/30/2003	04/23/2004
2:2003cv05458 -GAF	Molski, et al v. Alhambra Bowling Ctr, et al	07/30/2003	06/14/2004
2:2003cv05460-GAF	Molski, et al v. Empire Bowl Inc, et al	07/30/2003	01/06/2005
2:2003cv05461-GAF	Molski, et al v. Brunswick Covina, et al	07/30/2003	06/08/2004
2:2003cv05462-RSWL	Molski, et al v. Premiere Lanes, et al	07/30/2003	03/12/2004
2:2003cv05463-CAS	Molski, et al v. Del Rio Lanes Inc, et al	07/30/2003	10/18/2004
2:2003cv05464-PA	Molski, et al v. AMF Bowling Centers, et al	07/30/2003	05/14/2004
2:2003cv05504-JWJ	Molski, et al v. Tava Lanes Bowl, et al	07/31/2003	08/09/2006
2:2003cv05875-AHM	Molski, et al v. Summerwood Winery, et al	08/18/2003	04/05/2004
2:2003cv05879-NM	Molski, et al v. Castoro Cellars, et al	08/18/2003	05/04/2004
2:2003cv05880-GAF	Molski, et al v. EOS Estate Winery, et al	08/18/2003	08/31/2005
2:2003cv06056-TJH	Molski, et al v. Meridian Vineyards, et al	08/25/2003	02/26/2004
2:2003cv06062-CBM	Molski, et al v. Chumela Vineyards, et al	08/25/2003	07/28/2004
2:2003cv06091-DT	Molski, et al v. DiCarlo Vineyard, et al	08/26/2003	09/13/2004
2:2003cv06233-FMC	Molski, et al v. Linne Calodo Cellars, et al	08/29/2003	03/11/2004
2:2003cv06261-R	Molski v. Chateau Margene, et al	09/02/2003	02/09/2004
2:2003cv06262-RGK	Molski, et al v. Hunt Cellars, et al	09/02/2003	01/13/2004
2:2003cv06263-SVW	Molski, et al v. Penman Springs Vine, et al	09/02/2003	03/08/2004

PLAINTIFF/PETITIONER: **CRAIG YATES et al.**

CASE NUMBER:

DEFENDANT/RESPONDENT: **LA ROCCA'S CORNER, et al.****CGC-07-469605****ATTACHMENT** (Number): 1 Page 25 of 38

(This Attachment may be used with any Judicial Council form.) (Add pages as required)

2:2003cv06264-GHK	Molski, et al v. Bella Luna Winery, et al	09/02/2003	02/06/2004
2:2003cv06266-TJH	Molski, et al v. Peach Canyon Cellars, et al	09/02/2003	12/22/2004
2:2003cv06361-TJH	Molski, et al v. Eberle Winery Ltd	09/05/2003	10/27/2004
2:2003cv06536-SJO	Molski, et al v. Mastantuono Inc, et al	09/11/2003	06/28/2004
2:2003cv06593-SVW	Molski, et al v. Wild Horse Winery, et al	09/12/2003	03/05/2004
2:2003cv06595-RJK	Molski, et al v. Harmony Cellars, et al	09/12/2003	04/05/2006
2:2003cv06623-CAS	Molski, et al v. Jankris Vineyards, et al	09/15/2003	03/18/2005
2:2003cv06699 -CAS	Molski, et al v. TGIF's Torrance Rest, et al	09/17/2003	06/03/2004
2:2003cv06765-GAF	Molski, et al v. Grey Wolf Vineyards, et al	09/19/2003	09/28/2004
2:2003cv06766-DT	Molski, et al v. Dark Star Cellars, et al	09/19/2003	11/23/2004
2:2003cv06821-RSWL	Molski, et al v. Turley Wine Cellars	09/22/2003	04/16/2004
2:2003cv06891-FMC	Molski, et al v. Arby's Ventura, et al	09/24/2003	01/03/2005
2:2003cv06935-DDP	Molski, et al v. Pretty-Smith Ent LLC	09/25/2003	02/09/2004
2:2003cv07502-WJR	Molski, et al v. Harry's Family Rest, et al	10/20/2003	12/27/2004
2:2003cv07505-RSWL	Molski, et al v. Acapulco Restaurant, et al	10/20/2003	10/12/2004
2:2003cv08061-GPS	Molski, et al v. Coco's, et al	11/06/2003	08/07/2006
8:2003cv01598-JVS	Molski, et al v. Saddleback Lanes, et al	11/07/2003	09/29/2004
2:2003cv08186-GHK	Jankey, et al v. A-LA Drivers Ed Ctr, et al	11/10/2003	08/11/2004
2:2003cv08189-CAS	Molski, et al v. Sizzler Northridge, et al	11/10/2003	08/03/2004
2:2003cv08324-LGB	Molski, et al v. La Habra 300 Bowl, et al	11/14/2003	04/01/2004
2:2003cv08413-TJH	Molski, et al v. China Express, et al	11/19/2003	08/31/2005
2:2003cv08536-SJO	Molski, et al v. El Chaparral, et al	11/24/2003	10/28/2004
2:2003cv08537-RSWL	Molski, et al v. El Queso Grande, et al	11/24/2003	12/13/2004

PLAINTIFF/PETITIONER: **CRAIG YATES et al.**

CASE NUMBER:

DEFENDANT/RESPONDENT: **LA ROCCA'S CORNER, et al.****CGC-07-469605****ATTACHMENT** (Number): 1 Page 26 of 38*(This Attachment may be used with any Judicial Council form.) (Add pages as required)*

2:2003cv08583-SJO	Jankey, et al v. Clare Foundation Inc.	11/25/2003 07/26/2004
2:2003cv08839-WMB	Molski, et al v. Presidente Mexican, et al	12/04/2003 08/03/2004
2:2003cv08887-GHK	Molski, et al v. Justin Vineyards, et al	12/05/2003 04/07/2004
2:2003cv08889-DT	Molski, et al v. York Mountain Winery, et al	12/05/2003 12/02/2004
2:2003cv09034-DT	Jankey, et al v. Safety Education Ctr, et al	12/11/2003 12/13/2004
2:2003cv09035-RGK	Molski, et al v. Firestone Vineyard	12/11/2003 02/23/2004
2:2003cv09133-LGB	Molski, et al v. Daniel Gehrs Heather, et al	12/15/2003 05/13/2004
2:2003cv09134-GAF	Molski, et al v. La Fiesta Mexican, et al	12/15/2003 06/30/2004
2:2003cv09339-RSWL	Molski, et al v. Sylvester Winery L P, et al	12/19/2003 08/22/2005
2:2003cv09346-RGK	Molski, et al v. Todai Restaurant, et al	12/19/2003 12/01/2004
2:2003cv09349-JFW	Molski, et al v. Gainey Vineyard, et al	12/19/2003 10/01/2004
2:03-cv-09393-CBM	Molski, et al v. Foley Estates	12/22/2003 08/28/2006
2:03-cv-09462-TJH	Molski, et al v. Conrad's La Canada, et al	12/24/2003 09/11/2006
2:2003cv09463-MMM	Molski, et al v. Los Olivos Cafe, et al	02/24/2003 10/04/2004
2:2003cv09494-AHM	Molski, et al v. Brander Vineyards	12/26/2003 05/05/2005
2:2003cv09495-LGB	Molski, et al v. Dona Maria Mexican, et al	12/26/2003 03/11/2005
2:2004cv00090-GAF	Molski et al v. Presidente Mexican Restaurant Northridge et al	01/07/2004 12/27/2004
2:2004cv00205-FMC	Molski et al v. Casa Del Rey San Dimas et al	01/13/2004 03/16/2005
2:2004cv00347-ER	Molski et al v. Kahn Winery and A K Cellars LLC	01/20/2004 12/16/2005
2:04-cv-00450-ER	Molski et al v. Mandarin Touch Restaurant et al	01/23/2004 01/05/2006
2:2004cv00452-ER	Molski et al v. Kalyra Winery LLC et al	01/23/2004 03/17/2005

PLAINTIFF/PETITIONER: **CRAIG YATES et al.**

CASE NUMBER:

DEFENDANT/RESPONDENT: **LA ROCCA'S CORNER, et al.****CGC-07-469605****ATTACHMENT** (Number): 1 Page 27 of 38

(This Attachment may be used with any Judicial Council form.) (Add pages as required)

8:2004cv00083-CJC	Molski et al v. Kenneth Wilkinson, et al	01/26/2004 09/14/2005
8:2004cv00092-CJC	Molski et al v. Gardena Bowling Center, Inc	01/27/2004 06/28/2005
2:2004cv00569-RGK	Molski et al v. Cho Cho San Restaurant et al	01/27/2004 7/02/2004
2:2004cv00570-R	Molski et al v. Casa Del Rey Temple City et al	01/27/2004 05/24/2004
2:2004cv00610-SJO	Molski et al v. Crocodile Cafe Glendale et al	01/28/2004 08/09/2004
8:2004cv00096- CJC	Molski et al v. Concourse Entertainment Center et al	01/28/2004 10/20/2005
2:2004cv00787-ABC	Molski et al v. AW Foods Marketing Inc et al	02/05/2004 11/22/2004
2:2004cv00788-AHM	Molski et al v. Koehler Winery LLC et al	02/05/2004 09/10/2004
2:2004cv00838-R	Molski et al v. Fess Parker Winery et al	02/06/2004 08/09/2004
2:2004cv00960-SJO	Molski et al v. Casa Del Rey Arcadia et al	02/12/2004 08/16/2004
2:2004cv00974-DDP	Molski et al v. Hot Spot Bar and Grill et al	02/12/2004 04/19/2007
2:2004cv01044-WMB	Molski et al v. Lafond Winery et a	02/17/2004 08/09/2004
2:2004cv01047-PA	Molski et al v. Somethings Fishy et al	02/17/2004 06/04/2004
2:2004cv01071-PA	Molski et al v. Hitching Post II Restaurant et al	02/17/2004 06/10/2004
2:2004cv01075-ABC	Molski et al v. Conrads Restaurant Glendale et al	02/17/2004 10/07/2005
2:2004cv01076-NM	Molski et al v. Mosby Winery et al	02/17/2004 07/19/2005
2:2004cv01077-SVW	Molski et al v. Hitching Post I Restaurant Inc	02/17/2004 11/07/2005
2:2004cv01098-RGK	Molski et al v. Lamplighter North Hollywood Restaurant et al	02/18/2004 08/06/2004

PLAINTIFF/PETITIONER: **CRAIG YATES et al.**

CASE NUMBER:

DEFENDANT/RESPONDENT: **LA ROCCA'S CORNER, et al.****CGC-07-469605****ATTACHMENT** (Number): 1 Page 28 of 38

(This Attachment may be used with any Judicial Council form.) (Add pages as required)

2:2004cv01101-GHK	Molski et al v. Lamplighter Chatsworth PSG Inc et al	02/18/2004 07/29/2004
2:2004cv01263-NM	Molski et al v. Sanford Winery and Vineyards et al	02/25/2004 10/01/2004
2:2004cv01268-TJH	Molski et al v. Lamplighter Sherman Oaks Restaurant et al	02/25/2004 01/13/2005
2:2004cv01360-RSWL	Molski et al v. Rancho Sisquoc et al	02/27/2004 09/16/2004
2:2004cv01361-R	Molski et al v. Mi Casita Salvadorena Restaurant et al	02/27/2004 06/21/2004
2:2004cv01362-GHK	Molski et al v. Cambria Winery and Vineyard et al	02/27/2004 08/25/2004
2:2004cv01364-SJO	Molski et al v. Crazy Tokyo Sushi et al	02/27/2004 12/27/2004
2:2004cv01366-NM	Molski et al v. El Pescador #7 Inc et al	02/27/2004 02/03/2005
2:2004cv01394-R	Molski et al v. El Pescador #4 Restaurant et al	03/01/2004 10/25/2004
2:2004cv01395-RSWL	Molski et al v. Zaca Mesa Winery et al	03/01/2004 09/10/2004
2:2004cv01412-DDP	Molski et al v. El Pescador #2 Restaurant et al	03/02/2004 02/23/2005
2:2004cv01552-GPS	Molski et al v. Casa Di Pizza et al	03/08/2004 02/14/2005
2:2004cv01869-SVW	Molski et al v. Encino Investors Building et al	03/18/2004 08/17/2004
2:2004cv01875-GAF	Molski et al v. El Pescador #5 et al	03/18/2004 05/19/2005
2:2004cv01930-ABC	Molski et al v. El Pescador #8 et al	03/19/2004 08/26/2005
2:2004cv01931-R	Molski et al v. New Light and Healthy Japanese Restaurant et al	03/19/2004 10/28/2004
5:2004cv00328-VAP	Molski et al v. Seafare Inn et al	03/19/2004 02/09/2005
2:2004cv01958-R	Molski et al v. Sushi Marina et al	03/22/2004 10/06/2004
2:2004cv02150-GAF	Molski et al v. Valley Ranch BBQ et al	03/29/2004 07/05/2005

PLAINTIFF/PETITIONER: **CRAIG YATES et al.**

CASE NUMBER:

DEFENDANT/RESPONDENT: **LA ROCCA'S CORNER, et al.****CGC-07-469605****ATTACHMENT** (Number): 1 Page 29 of 38*(This Attachment may be used with any Judicial Council form.) (Add pages as required)*

2:2004cv02350-RSWL	Molski et al v. La Fiesta Grande et al	04/02/2004	08/04/2005
2:2004cv02351-JSL	Molski et al v. Candilejas Restaurant et al	04/02/2004	01/09/2006
2:2004cv02352-JSL	Molski et al v. Domain Alfred et al	04/02/2004	01/05/2005
2:2004cv02488-RSWL	Jankey et al v. Federal Express Corp et al	04/08/2004	09/19/2005
2:2004cv02610-JSL	Molski et al v. Spyglass Investment Company et al	04/14/2004	01/14/2005
2:2004cv02723-LGB	Molski et al v. Szechuwan Garden et al	04/19/2004	09/29/2004
2:2004cv02889-DSF	Molski et al v. Claiborne and Churchill Inc	04/26/2004	12/27/2004
2:2004cv02890-CJC	Molski et al v. Kynsi Wines Inc	04/26/2004	09/30/2005
2:2004cv03121-MMM	Molski et al v. Longhouse Restaurant Inc et al	05/03/2004	05/14/2004
2:2004cv03122-RGK	Molski et al v. Di Fronzo Properties LLC	05/03/2004	07/13/2004
2:2004cv03249-DSF	Molski et al v. Hong Kong Inn Inc et al	05/07/2004	12/06/2005
2:2004cv03250-JFW	Molski et al v. Senor Sanchos-Spring et al	05/07/2004	12/06/2004
2:2004cv03332-PA	Molski et al v. Perkos Pismo Beach et al	05/11/2004	03/08/2005
2:2004cv03544-RGK	Molski et al v. Cracked Crab Restaurants Inc et al	05/19/2004	04/12/2005
2:2004cv03598-DT	Molski et al v. Hoovers Enterprises Inc et al	05/20/2004	11/29/2004
2:2004cv03599-ABC	Molski et al v. Wilsons Lanes et al	05/20/2004	11/28/2005
2:2004cv03696-WJR	Molski et al v. Bill and Carols Sea Shanty et al	05/25/2004	06/23/2005
2:2004cv03697-DSF	Molski et al v. Pacos et al	05/25/2004	07/22/2005
2:2004cv03743-PA	Molski et al v. 21st Street Drive-In et al	05/26/2004	03/10/2005
2:2004cv03746-SVW	Molski et al v. Ahedos Restaurant et al	05/26/2004	12/15/2004
2:2004cv03747-MMM	Molski et al v. Pierside Inc et al	05/26/2004	03/08/2005

PLAINTIFF/PETITIONER: **CRAIG YATES et al.**

CASE NUMBER:

DEFENDANT/RESPONDENT: **LA ROCCA'S CORNER, et al.****CGC-07-469605****ATTACHMENT** (Number): 1 Page 30 of 38

(This Attachment may be used with any Judicial Council form.) (Add pages as required)

2:2004cv03780-DDP	Molski et al v. Foster Freeze Paso Robles et al	05/27/2004	05/15/2007
2:2004cv03791-CBM	Molski et al v. Girls Restaurant Inc et al	05/27/2004	12/27/2004
2:2004cv03828-AHM	Molski et al v. F McLintock S Saloon and Dining House et al	05/28/2004	03/07/2005
2:2004cv03829-GPS	Molski et al v. A J Spurs Templeton et al	05/28/2004	11/01/2005
2:2004cv03929-GAF	Molski et al v. A J Spurs Inc et al	06/02/2004	08/10/2005
2:2004cv04059-CBM	Molski et al v. Harbor Hut Inc	06/07/2004	06/20/2005
2:2004cv04061-JSL	Molski et al v. Outrigger et al	06/07/2004	03/16/2005
2:2004cv04062-JFW	Molski et al v. Whales Tail Restaurant et al	06/07/2004	10/19/2004
2:2004cv04240-RGK	Molski et al v. Fosters Freeze Morro Bay et al	06/14/2004	12/10/2004
2:2004cv04241-ER	Molski et al v. Fosters Freeze San Luis Obispo et al	06/14/2004	03/23/2005
2:2004cv04242-TJH	Molski et al v. Great American Fish Co Inc et a	06/14/2004	11/07/2005
2:2004cv04243-FMC	Molski et al v. J B J Round Up Pizza et al	06/14/2004	09/02/2005
2:2004cv04283-JFW	Molski et al v. Cambria Cafe et al	06/15/2004	03/08/2005
2:2004cv04284-PA	Molski et al v. Sea Chest et al	06/15/2004	04/11/2005
2:2004cv04428-AHM	Molski et al v. The Galley et al	06/18/2004	07/19/2005
2:2004cv04429-JFW	Jankey et al v. Q Bargain et al	06/18/2004	01/20/2005
2:2004cv04430-TJH	Jankey et al v. M Williams Strip Mall et al	06/18/2004	11/29/2004
2:2004cv04497-TJH	Molski et al v. Fishbowl Restaurant LLC	06/22/2004	09/12/2005
2:2004cv04498-GAF	Molski et al v. Pine Street Plaza et al	06/22/2004	10/25/2005
2:2004cv04610-NM	Molski et al v. Busis Restaurant et al	06/24/2004	07/01/2005
2:2004cv04611-JWJ	Molski et al v. Coffee Pot Restaurant et al	06/24/2004	09/14/2005

PLAINTIFF/PETITIONER: **CRAIG YATES et al.**

CASE NUMBER:

DEFENDANT/RESPONDENT: **LA ROCCA'S CORNER, et al.****CGC-07-469605****ATTACHMENT** (Number): 1 Page 31 of 38

(This Attachment may be used with any Judicial Council form.) (Add pages as required)

2:2004cv04650-DT	Harris et al v. Mister Ts Family Restaurant et al	06/25/2004 02/11/2005
2:2004cv04684-RNB	Molski et al v. Margies Diner - Morro Bay et al	06/28/2004 12/29/2004
2:2004cv04685-SVW	Molski et al v. Hungry Fisherman Restaurant et al	06/28/2004 01/04/2005
2:2004cv04696 -MMM	Molski et al v. Chevron - Morro Bay et al	06/28/2004 05/23/2005
2:2004cv04697-DT	Molski et al v. China Bowl Restaurant et al	06/28/2004 08/22/2005
2:2004cv04739-GHK	Molski et al v. La Hacienda et al	06/29/2004 12/08/2005
2:2004cv04822-NM	Molski et al v. Carlas Country Kitchen et al	07/01/2004 07/11/2005
2:2004cv04826-SJO	Jankey et al v. Bakers Square Alhambra et al	07/01/2004 05/09/2005
2:2004cv04865-PA	Molski et al v. Busy Bee Cafe et al	07/02/2004 04/19/2005
2:2004cv04866-MMM	Molski et al v. Thai Palace Corporation et al	07/02/2004
2:2004cv04867-ABC	Molski et al v. McCarthys Irish Pub et al	07/02/2004 01/20/2006
2:2004cv04870-DT	Molski et al v. Tio Albertos - Los Osos et al	07/02/2004 02/23/2005
2:2004cv04873-MMM	Molski et al v. Pizza Port et al	07/02/2004 10/13/2004
2:2004cv04874-JFW	Molski et al v. Taco de Mexico et al	07/02/2004 03/18/2005
2:2004cv05453-JFW	Molski et al v. Maya Restaurant et al	07/14/2004 06/09/2005
2:2004cv06385-SVW	Connally et al v. House of Lee Chinese Restaurant et al	08/02/2004 08/24/2004
2:2004cv06389-TJH	Jankey et al v. Millies Inc et al	08/02/2004 04/18/2006
2:2005cv05946-DDP	Jankey et al v. Faustino's Italian Kitchen et al	08/15/2005 06/02/2008
2:2005cv06730-SJO	Jankey et al v. Commercial Management Concepts LLC et al	09/13/2005 06/15/2006

PLAINTIFF/PETITIONER: **CRAIG YATES et al.**

CASE NUMBER:

DEFENDANT/RESPONDENT: **LA ROCCA'S CORNER, et al.****CGC-07-469605****ATTACHMENT** (Number): 1 Page 32 of 38*(This Attachment may be used with any Judicial Council form.) (Add pages as required)*

2:2004cv06885-TJH	Molski et al v. Big Bopper Drive-in et al	08/17/2004	01/18/2005
2:2004cv07018-DT	Molski et al v. Bit O Denmark Inc et al	08/20/2004	12/21/2005
8:2004cv01011-JVS	Molski et al v. Little Mermaid et al	08/20/2004	04/13/2005
2:2004cv07051-JSL	Molski et al v. New Danish Inn Restaurant et al	08/23/2004	06/28/2005
2:2004cv07188-SJO	Molski v. Copenhagen T S and Gifts et al	08/27/2004	03/24/2005
2:2004cv07189-DSF	Molski et al v. Solvang Restaurant et al	08/27/2004	12/05/2005
2:2004cv07191-WJR	Molski et al v. First Street Building et al	08/27/2004	03/17/2005
2:2004cv07192-DDP	Molski et al v. Red Viking Restaurant et al	08/27/2004	12/27/2005
2:2004cv07270 -SJO	Jankey et al v. Orange Delight et al	08/31/2004	07/21/2005
2:2004cv07271-MMM	Molski et al v. Danish Mill Bakery Inc et al	08/31/2004	03/30/2005
2:2004cv07345-RGK	Doran et al v. Santa Nella Hotel Corporation	09/02/2004	08/09/2005
2:2004cv07346-CBM	Molski et al v. Old Danish Food Farm Inc et al	09/02/2004	04/05/2005
2:2004cv07347-R	Molski et al v. Berengaria and Gerdas Iron Art et al	09/02/2004	02/10/2005
2:2004cv07417-GHK	Molski et al v. Dos Amigos et al	09/07/2004	03/01/2005
2:2004cv07538-DDP	Molski et al v. Mannys Mexican Restaurant et al	09/10/2004	03/21/2005
2:2004cv07539-PA	Molski et al v. Thai-Rrific Restaurant et al	09/10/2004	08/25/2005
2:2004cv07541-RSWL	Molski et al v. Solvang Bakery Inc et al	09/10/2004	08/31/2005
2:2004cv07725-SVW	Molski et al v. Pine Tree Inn et al	09/16/2004	03/21/2005
2:2004cv07765-DSF	Molski et al v. Camozzis et al	09/17/2004	04/18/2005
2:2004cv07797-CBM	Molski et al v. Hamlet Square et al	09/20/2004	03/01/2006
2:2004cv07799-GAF	Molski et al v. Cambria Courtyard et al	09/20/2004	11/23/2005

PLAINTIFF/PETITIONER: **CRAIG YATES et al.**

CASE NUMBER:

DEFENDANT/RESPONDENT: **LA ROCCA'S CORNER, et al.****CGC-07-469605****ATTACHMENT** (Number): 1 Page 33 of 38

(This Attachment may be used with any Judicial Council form.) (Add pages as required)

2:2004cv07831-MMM	Molski et al v. Redwood Center LP et al	09/21/2004 07/26/2005
2:2004cv07832-NM	Molski et al v. Jensens Copenhagen Square et al	09/21/2004 08/09/2005
2:2004cv07862-TJH	Molski et al v. Belgian Cafe et al	09/22/2004 11/08/2005
2:2004cv07864-CBM	Jankey et al v. Los Burritos Inc et al	09/22/2004 10/24/2006
2:2004cv07866-ABC	Jankey et al v. Ranch House BBQ and Grill et al	09/22/2004 02/09/2006
2:2004cv07937-FMC	Jankey et al v. Mother Lode et al	09/23/2004 07/26/2005
2:2004cv07939-FMC	Moss et al v. Comfort Inn Woodland Hills et al	09/23/2004 10/23/2006
2:2004cv07985-RJK	Jankey et al v. Lank and Oxn Center et al	09/24/2004 08/02/2005
2:2004cv07987-CAS	Molski v. Solvang Theaterfest Inc et al	09/24/2004 05/15/2006
2:2004cv08135-TJH	Moss et al v. Exotic Nature et al	09/29/2004 11/23/2005
2:2004cv08140-WMB	Moss et al v. New Moon et al	09/29/2004 03/09/2005
2:2004cv08255-TJH	Moss et al v. Vagabound Inn Solvang et al	10/04/2004 05/16/2006
2:2004cv08523-MMM	Molski et al v. Ellens Danish Pancake House et al	10/14/2004 10/26/2005
2:2004cv08524-GHK	Molski et al v. Tonos Mexican Restaurant et al	10/14/2004 10/25/2006
2:2004cv08616-AHM	Molski et al v. Mother Hubbards Restaurant et al	10/18/2004 08/02/2005
2:2004cv08617-MMM	Jankey et al v. Belmont Restaurant et al	10/18/2004 08/26/2005
2:2004cv08744-SJO	Jankey et al v. Beach Pizza et al	10/21/2004 02/09/2006
2:2004cv08745-MMM	Molski et al v. Ginos Pizza et al	10/21/2004 09/02/2005
2:2004cv08775-GHK	Jankey et al v. El Taco Loco - North Hollywood et al	10/22/2004 08/26/2005
2:2004cv08778-JSL	Jankey et al v. Hamburger Haven et al	10/22/2004 08/30/2006

PLAINTIFF/PETITIONER: **CRAIG YATES et al.**

CASE NUMBER:

DEFENDANT/RESPONDENT: **LA ROCCA'S CORNER, et al.****CGC-07-469605****ATTACHMENT** (Number): 1 Page 34 of 38*(This Attachment may be used with any Judicial Council form.) (Add pages as required)*

2:2004cv09112-GHK	Jankey et al v. Mister Ds Liquor Market et al	11/04/2004	11/17/2005
8:2004cv01295-JVS	Jankey et al v. El Cholo Cafe et al	11/05/2004	11/30/2005
2:2004cv09178-SGL	Jankey et al v. Moons Market et al	11/05/2004	11/17/2006
2:2004cv09267-ER	Jankey et al v. Mermaid Restaurant et al	11/10/2004	02/02/2006
2:2004cv09312-GHK	Jankey et al v. Bottle Inn et al	11/12/2004	07/19/2006
2:2004cv09609-GPS	Jankey et al v. Sloopys et al	11/23/2004	02/07/2006
2:2004cv09741-RSWL	Jankey et al v. Poop Deck et al	11/30/2004	04/21/2006
2:2005cv01288-TJH	Jankey et al v. Beach Market et al	02/18/2005	08/12/2005
2:2005cv03625-DT	Jankey et al v. Aloha Sharkeez et al	05/16/2005	06/12/2006
2:2005cv03626-AHM	Jankey et al v. Dans Liquor et al	05/16/2005	08/23/2006
2:2005cv03842-RGK	Jankey et al v. OB's Bar and Grill et al	05/25/2005	06/14/2005
2:2005cv03856-SVW	Jankey et al v. Beach Hut et al	05/25/2005	08/24/2006
2:2005cv03858-SVW	Jankey et al v. Pedone's Pizza et al	05/25/2005	11/21/2006
8:2004cv00038-CJC	Molski et al v. Arby's Huntington Beach et al	08/12/2005	07/28/2006
2:2004cv02647-R	Molski et al v. Pismo Bowl et al	11/15/2007	11/26/2007

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PLAINTIFF/PETITIONER: **CRAIG YATES et al.**

CASE NUMBER:

DEFENDANT/RESPONDENT: **LA ROCCA'S CORNER, et al.****CGC-07-469605****ATTACHMENT** (Number): 1 Page 35 of 38

(This Attachment may be used with any Judicial Council form.) (Add pages as required)

Court: United States District Court for the Eastern District of California
501 "I" Street, Sacramento, CA 95814
2500 Tulare Street, Fresno, CA 93721

Plaintiff: DISABILITY RIGHTS ENFORCEMENT, EDUCATION, SERVICES:
HELPING YOU HELP OTHERS

None of the cases listed below have been designated or determined as "complex."

Relationship of this case to the case referenced above (check all that apply):

- ☒ involves the same parties and is based on the same or similar claims.
- ☒ arises from the same or substantially identical transactions, incidents, or events requiring the determination of the same or substantially identical questions of law or fact.
- ☐ involves claims against, title to, possession of, or damages to the same property.
- ☒ is likely for other reasons to require substantial duplication of judicial resources if heard by different judges.
- ☒ Additional explanation is attached in attachment 2.

<u>Case Number</u>	<u>Case Name</u>	<u>Filing Date</u>	<u>Status/Dismissal</u>
2:1999cv01669-FCD	Ashley, et al v. Blackwell, et al	08/27/1999	09/16/2002
2:2000cv02231-WBS	Pickern, et al v. Eppie's Capitol, et al	10/12/2000	03/29/2002
2:2000cv02232-WBS	Connally, et al v. Eppie's N Street, et al	10/12/2000	03/29/2002
2:2000cv02342-LKK	Loskot, et al v. Chicago Title, et al	10/23/2000	05/28/2002
2:2000cv02343-WBS	Doran, et al v. Chicago Title Red, et al	10/23/2000	07/02/2002
2:2000cv02355-DFL	Loskot, et al v. Chicago Title Ins, et al	10/24/2000	07/02/2002
2:2000cv02364-WBS	Doran, et al v. Ponderosa Inn, et al	10/25/2000	03/29/2002
2:2000cv02723-WBS	Gerber, et al v. Eppie's Modesto, et al	10/25/2000	04/16/2002
2:2000cv02404-WBS	Doran, et al v. Eppies Restaurant, et al	10/30/2000	03/29/2002
2:2000cv02405-DFL	Loskot, et al v. Pine Street School, et al	10/30/2000	06/17/2002

PLAINTIFF/PETITIONER: **CRAIG YATES et al.**

CASE NUMBER:

DEFENDANT/RESPONDENT: **LA ROCCA'S CORNER, et al.****CGC-07-469605****ATTACHMENT** (Number): 1 Page 36 of 38*(This Attachment may be used with any Judicial Council form.) (Add pages as required)*

1:2000cv06886-AWI	Gerber, et al v. Burger King Madera, et al	11/02/2000	10/10/2001
2:2000cv02555-FCD	Loskot v. Best Western Inn and Suites Vallejo et al	11/20/2000	09/23/2002
2:2000cv02556-MLS	Jankey, et al v. Tahoe Limited Corp, et al	11/20/2000	06/04/2002
2:2000cv02557-MLS	Ray, et al v. KML Corporation, et al	11/20/2000	05/29/2002
2:2000cv02671-FCD	Loskot, et al v. Crystal Mall, et al	12/06/2000	07/15/2002
2:2001cv00206-DFL	Haugsten, et al v. Mervyn's Stockton, et al	01/31/2001	04/22/2002
2:2001cv00287-GEB	Doran, et al v. Bell, et al	02/13/2001	11/21/2001
2:2001cv00386-LKK	Doran, et al v. Corinas's Restaurant, et al	02/26/2001	06/05/2002
2:2001cv00876-DFL	Loskot, et al v. Hawes Ranch and Farm, et al	05/07/2001	03/26/2002
2:2001cv00893-LKK	D'Lil, et al v. Pavilions Shopping, et al	05/09/2001	10/11/2001
2:2001cv00894-FCD	Ashley, et al v. Farmers Ins Agcy, et al	05/09/2001	02/06/2002
2:2001cv01096-WBS	Pickern, et al v. Marinos Pizza, et al	06/04/2001	02/24/2003
2:2001cv01122-MCE	Doran v. Red Bluff Chrysler, et al	06/08/2001	10/29/2002
2:2001cv01590-DFL	Connally, et al v. River Ranch Lodge, et al	08/16/2001	12/23/2002
2:2001cv01710-MCE	Pickern, et al v. Enloe Medical Ctr	09/07/2001	12/05/2003
2:2001cv01711-MLS	D'Lil, et al v. Yreka Days Inn, et al	09/07/2001	01/14/2002
2:2001cv01747-WBS	Loskot, et al v. Anderson Medical, et al	09/13/2001	11/18/2002
2:2001cv01748-GEB	Loskot, et al v. Gerlinger Steel, et al	09/13/2001	02/19/2003
2:2001cv01954-WBS	Gerber, et al v. Florentine Restauran, et al	10/22/2001	07/23/2002
2:2001cv01998-DFL	Doran, et al v. Oroville Hospital, et al	10/29/2001	02/20/2003
2:2002cv00086-WBS	Loskot, et al v. Sacto Capitol Center, et al	01/14/2002	05/06/2003
2:2002cv00092-MCE	Weygandt, et al v. Lithia CIMR Inc, et al	01/14/2002	12/23/2002

PLAINTIFF/PETITIONER: **CRAIG YATES et al.**

CASE NUMBER:

DEFENDANT/RESPONDENT: **LA ROCCA'S CORNER, et al.****CGC-07-469605****ATTACHMENT** (Number): 1 Page 37 of 38*(This Attachment may be used with any Judicial Council form.) (Add pages as required)*

2:2002cv00267-GEB	Doran, et al v. Cameron Park Inn, et al	02/01/2002	03/12/2004
2:2002cv00275-MCE	Loskot, et al v. 3 Brother's Rest, et al	02/04/2002	11/13/2003
2:2002cv00916-MCE	Doran, et al v. Waffle Shop, et al	04/29/2002	06/30/2003
2:2002cv01208-MCE	Doran, et al v. Days Inn Oroville, et al	06/05/2002	04/18/2003
2:2002cv01209-MCE	Doran, et al v. Sunset Inn Oroville, et al	06/05/2002	11/05/2003
2:2002cv01241-DFL	Doran, et al v. DQ Orangevale, et al	06/10/2002	04/27/2004
2:2002cv01242-DFL	Doran, et al v. Wild Sports Ent, et al	06/10/2002	04/25/2003
2:2002cv01273-MCE	Doran, et al v. Rocklin Days Inn, et al	06/12/2002	09/18/2003
2:2002cv01274-LKK	Doran, et al v. Crown Motors, et al	06/12/2002	10/21/2003
2:2002cv02048-MCE	Weygandt, et al v. La Cabana Mexican, et al	09/18/2002	09/23/2003
2:2002cv02490-WBS	Jones, et al v. Far East Cafe, et al	11/18/2002	04/27/2004
2:2002cv02508-GEB	Harris, et al v. Koffee Korner, et al	11/19/2002	08/22/2003
2:2002cv02523-WBS	Long, et al v. Viking Motor Lodge, et al	11/21/2002	01/29/2004
2:2002cv02617-WBS	Feezor, et al v. El Mariachi, et al	12/06/2002	05/10/2004
2:2002cv02637-GEB	Cone, et al v. Amer River Dr Assoc, et al	12/10/2002	03/30/2004
2:2002cv02751-LKK	Jones, et al v. El Mariachi Rest, et al	12/30/2002	05/25/2004
2:2003cv00475-LKK	Doran, et al v. Best Tahoe West Inn, et al	03/11/2003	08/06/2003
2:2003cv00539-MCE	Doran, et al v. Discovery Park Days, et al	03/17/2003	05/18/2006
2:2003cv00540-LKK	Feezor, et al v. Comfort Inn Vallejo, et al	03/17/2003	10/16/2003
2:2003cv00697-FCD	Jones, et al v. Park Marina Village, et al	04/04/2003	01/25/2005
2:2003cv00758-LKK	Doran, et al v. Best Western Golden, et al	04/14/2003	04/06/2004
2:2003cv00759-LKK	Doran, et al v. Red Lion Hotel, et al	04/14/2003	07/07/2003
2:2003cv00760-GEB	Connally, et al v. Carl's Jr Santa, et al	04/14/2003	06/04/2004

PLAINTIFF/PETITIONER: **CRAIG YATES et al.**

CASE NUMBER:

DEFENDANT/RESPONDENT: **LA ROCCA'S CORNER, et al.****CGC-07-469605****ATTACHMENT** (Number): 1 Page 38 of 38

(This Attachment may be used with any Judicial Council form.) (Add pages as required)

2:2003cv00804-FCD	Doran, et al v. Vallejo Quality Inn, et al	04/18/2003	01/05/2005
2:2003cv00808-LKK	Weygandt, et al v. Pizza Hut Hilltop, et al	04/18/2003	05/07/2003
2:2003cv01052-WBS	Doran, et al v. Oilwell Materials, et al	05/19/2003	11/04/2003
2:2003cv01417-GEB	Feezor, et al v. Carrows Restaurant	07/03/2003	03/16/2005
2:2003cv01505-LKK	Stevie, et al v. Pizza Hut Hilltop, et al	07/15/2003	01/10/2005
2:2003cv01542-GEB	D'Lil, et al v. Baker's Square Rst, et al	07/22/2003	08/09/2006
2:2003cv01946-DFL	Doran, et al v. King's Trading Post, et al	09/17/2003	06/03/2005
2:2003cv02189-MCE	Loskot, et al v. Harbor Inn, et al	10/17/2003	06/05/2007
2:2003cv02337-GEB	Loskot, et al v. Baker's Square West, et al	11/10/2003	03/26/2004
2:2004cv00755-GEB	Bowman, et al v. Best Western Station, et al	04/15/2004	12/16/2005
2:2004cv01520-FCD	Chapman, et al v. Park West Office Ctr, et al	08/03/2004	03/28/2006
2:2004cv01668-WBS	Chapman, et al v. Davis Orthopedic, et al	08/16/2004	04/18/2006
2:2004cv01670-LKK	Loskot, et al v. Northstate Recycling, et al	08/16/2004	05/25/2005
2:2004cv01719-DFL	Loskot, et al v. Asian Buffet Inc, et al	08/23/2004	12/07/2005
2:2004cv01992-GEB	Loskot, et al v. United Petroleum, et al	09/24/2004	06/09/2006
1:2004cv06375-OWW	Doran, et al v. Pea Soup Andersen's, et al	10/04/2004	12/16/2005
2:2004cv02096-GEB	Loskot, et al v. Green Valley Ford, et al	10/06/2004	12/06/2005
2:2006cv01164-GEB	Loskot et al v. Cascade Rigging & Supply Company Inc. et al	05/30/2006	03/22/2007
2:2007cv01324-FCD	Loskot et al v. Peking Restaurant, et al.,	07/05/2007	07/03/2008
2:2007cv01519-FCD	Loskot v. Best Western Inn and Suites Vallejo et al	07/26/2007	08/21/2008
2:2007cv01564-FCD	Chapman, et al. v. Subway Salads and Sandwiches #14054, et al.	08/01/2007	Pending

PLAINTIFF/PETITIONER: **CRAIG YATES et al.**

CASE NUMBER:

DEFENDANT/RESPONDENT: **LA ROCCA'S CORNER, et al.****CGC-07-469605****ATTACHMENT** (Number): 2 Page 1 of 12

(This Attachment may be used with any Judicial Council form.) (Add pages as required)

B. Additional Explanation Regarding Relationship of Cases Listed.

The instant action involves an individual plaintiff in a wheelchair (CRAIG YATES) who claims personal injuries to his upper extremities caused when he purportedly had difficulty in entering the defendants' premises in this action through its double doors. Institutional plaintiff (DISABILITY RIGHTS ENFORCEMENT, EDUCATION, SERVICES: HELPING YOU HELP OTHERS) has no cognizable claim because it lacks standing to sue (see *infra*). Both of these parties, as well as *all of the parties* listed in this Notice of Related Cases, are represented by the same law firm, Thomas E. Frankovich, PLC, with the sole exception of SF Sup. Ct. Case No. CGC-08-470951.

The lawsuit alleges various violations of the plaintiff's disability rights. The following constitutes the analysis of how the suit identified in this Notice of Related Cases involves the same parties and how they are based on the same or similar claims.

Plaintiff: YATES, CRAIG

Those cases listed in this Notice of Related Cases in which plaintiff CRAIG YATES is an individual plaintiff in this Court, Marin County Superior Court and the United States District Court for the Northern District of California, involve the same individual plaintiff who claims, as a result of accessing the premises of every single premises owned or operated by the named defendants, very similar, if not identical, personal injuries in each lawsuit over the course of three years, to wit:

- "Plaintiff CRAIG YATES is a person with physical disabilities who, on or about *June 11, 2004*, was an invitee, guest, patron, customer . . . [who] suffered bodily injury (including, but not limited to, fatigue, stress, strain and pain in wheeling and attempting to and/or transferring around, through, up and over architectural barriers), physical discomfort, emotional distress, mental distress, mental suffering, mental anguish, which includes, but is not limited to, shame, humiliation, embarrassment, anger, chagrin, disappointment and worry, expectedly and naturally associated with a person with physical disabilities being denied access . . ." (U.S.D.C. N.D. Cal. Case No. 3:2004cv04308-BZ, Complaint, ¶¶26, 28, 64, 72, 73, 81);

PLAINTIFF/PETITIONER: **CRAIG YATES et al.**

CASE NUMBER:

DEFENDANT/RESPONDENT: **LA ROCCA'S CORNER, et al.****CGC-07-469605****ATTACHMENT** (Number): 2 Page 2 of 12*(This Attachment may be used with any Judicial Council form.) (Add pages as required)*

- “Plaintiff CRAIG YATES is a person with physical disabilities who, on or about *July 3, 2004*, was an invitee, guest, patron, customer . . . [who] suffered bodily injury (including, but not limited to, fatigue, stress, strain and pain in wheeling and attempting to and/or transferring around, through, up and over architectural barriers), physical discomfort, emotional distress, mental distress, mental suffering, mental anguish, which includes, but is not limited to, shame, humiliation, embarrassment, anger, chagrin, disappointment and worry, expectedly and naturally associated with a person with physical disabilities being denied access . . .” (U.S.D.C. N.D. Cal. Case No. 3:2004cv05087-JCS, Complaint, ¶¶25, 27, 63, 71, 72, 80);
- “Plaintiff CRAIG YATES is a person with physical disabilities who, on or about *July 3, 2004*, [and *November 19, 2004*,] was an invitee, guest, patron, customer . . . [who] suffered bodily injury (including, but not limited to, fatigue, stress, strain and pain in wheeling and attempting to and/or transferring around, through, up and over architectural barriers), physical discomfort, emotional distress, mental distress, mental suffering, mental anguish, which includes, but is not limited to, shame, humiliation, embarrassment, anger, chagrin, disappointment and worry, expectedly and naturally associated with a person with physical disabilities being denied access . . .” (U.S.D.C. N.D. Cal. Case No. 3:2004cv05211-PJH, Complaint, ¶¶2, 18, 23, 26, 28, 64, 72, 73, 81);
- “Plaintiff CRAIG YATES is a person with physical disabilities who, on or about *August 28, 2005, November 27, 2005, December 10, 2005, January 8, 2006, January 16, 2006, March 15, 2006, July 11, 2006, October 28, 2006, December 4, 2006*, was an invitee, guest, patron, customer . . . [who] suffered bodily injury (including, but not limited to, fatigue, stress, strain and pain in wheeling and attempting to and/or transferring around, through, up and over architectural barriers), physical discomfort, emotional distress, mental distress, mental suffering, mental anguish, which includes, but is not limited to, shame, humiliation, embarrassment, anger, chagrin, disappointment and worry, expectedly and naturally associated with a person with physical disabilities being denied access . . .” (U.S.D.C. N.D. Cal. Case No. 3:2007cv00460-WHA, Complaint, ¶¶2, 14, 15, 24, 68);
- “Plaintiff CRAIG YATES is a person with physical disabilities who, on or about *October 5, 2006 and January 27, 2007*, was an invitee, guest, patron, customer . . . [who] suffered bodily injury (including, but not limited to, fatigue, stress, strain and pain in wheeling and attempting to and/or transferring around, through, up and over architectural barriers), physical discomfort, emotional distress, mental distress, mental suffering, mental anguish, which includes, but is not limited to, shame, humiliation, embarrassment, anger, chagrin, disappointment and worry, expectedly and naturally associated with a person with physical disabilities being denied access . . .” (U.S.D.C. N.D. Cal. Case No. 3:2007cv00946-CRB, Complaint,

PLAINTIFF/PETITIONER: **CRAIG YATES et al.**

CASE NUMBER:

DEFENDANT/RESPONDENT: **LA ROCCA'S CORNER, et al.****CGC-07-469605****ATTACHMENT** (Number): 2 Page 3 of 12

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¶¶2, 14, 30);

- “on November 11, 2005, . . . plaintiff suffered bodily injury . . . including, but not limited to, fatigue, stress, strain and pain in wheeling and attempting to and/or transferring up, on, down, to, over, around and through architectural barriers . . . suffered continuous, repetitive and cumulative trauma to his upper extremities while attempting to open the door to summon the counter clerk . . . (SF Sup. Ct. Case No. CGC-06-452090, Complaint, ¶¶23-26);
- “on November 27, 2005, . . . plaintiff suffered bodily injury . . . including, but not limited to, fatigue, stress, strain and pain in wheeling and attempting to and/or transferring up, on, down, to, over, around and through architectural barriers . . . suffered continuous, repetitive and cumulative trauma to his upper extremities while attempting to open the door to summon the counter clerk . . . (SF Sup. Ct. Case No. CGC-06-452131, Complaint, ¶¶23-26);
- On “May 28, 2005, December 28, 2005 and May 6, 2006, . . . plaintiff suffered bodily injury . . .” (SF Sup. Ct. Case No. CGC-06-452509, Complaint, ¶¶14-15, 25);
- “Plaintiff CRAIG YATES is a person with physical disabilities who, on or about April 9, 2006, April 10, 2006, May 10, 2006, June 1, 2006, June 12, 2006, January 11, 2007, January 25, 2007, and February 1, 2007, was an invitee, guest, patron, customer . . . [who] suffered physical discomfort, emotional distress, mental distress, mental suffering, mental anguish, which includes, but is not limited to, shame, humiliation, embarrassment, anger, chagrin, disappointment and worry, expectedly and naturally associated with a person with physical disabilities being denied access . . .” (U.S.D.C. N.D. Cal. Case No. 3:2007cv01403-MHP, Complaint, ¶¶2, 14, 15, 27);
- “Plaintiff CRAIG YATES is a person with physical disabilities who, on or about April 16, 2006, September 27, 2006, October 10, 2006, March 22, 2007, May 26, 2007 and June 21, 2007, was an invitee, guest, patron, customer . . . [who] suffered physical discomfort, emotional distress, mental distress, mental suffering, mental anguish, which includes, but is not limited to, shame, humiliation, embarrassment, anger, chagrin, disappointment and worry, expectedly and naturally associated with a person with physical disabilities being denied access . . .” (U.S.D.C. N.D. Cal. Case No. 4:2007cv03889-WDB, Complaint, ¶¶2, 14, 29, 30);

PLAINTIFF/PETITIONER: **CRAIG YATES et al.**

CASE NUMBER:

DEFENDANT/RESPONDENT: **LA ROCCA'S CORNER, et al.****CGC-07-469605****ATTACHMENT** (Number): 2 Page 4 of 12

(This Attachment may be used with any Judicial Council form.) (Add pages as required)

- On “*May 27, 2006*, . . . plaintiff suffered bodily injury . . .” (SF Sup. Ct. Case No. CGC-06-456662, Complaint, ¶¶25, 27, 56);
- “Plaintiff CRAIG YATES is a person with physical disabilities who, on or about *June 1, 2006, June 12, 2006, June 14, 2006, July 12, 2006, January 11, 2007, January 25, 2007 and February 1, 2007*, was an invitee, guest, patron, customer . . . [who] suffered bodily injury (including, but not limited to, fatigue, stress, strain and pain in wheeling and attempting to and/or transferring around, through, up and over architectural barriers), physical discomfort, emotional distress, mental distress, mental suffering, mental anguish, which includes, but is not limited to, shame, humiliation, embarrassment, anger, chagrin, disappointment and worry, expectedly and naturally associated with a person with physical disabilities being denied access . . .” (U.S.D.C. N.D. Cal. Case No. 3:2007cv02525-MMC, Complaint, ¶¶2, 14, 30, 32, 60.)
- “Plaintiff CRAIG YATES is a person with physical disabilities who, on or about *August 1, 2006, August 29, 2006, and January 25, 2007*, was an invitee, guest, patron, customer . . . [who] suffered bodily injury (including, but not limited to, fatigue, stress, strain and pain in wheeling and attempting to and/or transferring around, through, up and over architectural barriers), physical discomfort, emotional distress, mental distress, mental suffering, mental anguish, which includes, but is not limited to, shame, humiliation, embarrassment, anger, chagrin, disappointment and worry, expectedly and naturally associated with a person with physical disabilities being denied access . . .” (U.S.D.C. N.D. Cal. Case No. 3:2007cv01405-WHA, Complaint, ¶¶2, 14, 15, 30, 59);
- “On or about *August 13, 2006, August 30, 2006 and October 28, 2006*, plaintiff CRAIG YATES was an invitee and . . . suffered bodily injury.” (SF Sup. Ct. Case No. CGC-06-459119, Complaint, ¶¶2, 14, 24);
- “Plaintiff CRAIG YATES is a person with physical disabilities who, on or about *October 3, 2006*, was an invitee, guest, patron, customer . . . [who] suffered bodily injury (including, but not limited to, fatigue, stress, strain and pain in wheeling and attempting to and/or transferring around, through, up and over architectural barriers), physical discomfort, emotional distress, mental distress, mental suffering, mental anguish, which includes, but is not limited to, shame, humiliation, embarrassment, anger, chagrin, disappointment and worry, expectedly and naturally associated with a person with physical disabilities being denied access . . .” (U.S.D.C. N.D. Cal. Case No. 3:2006cv07917-MMC, Complaint, ¶¶2, 14, 16);

PLAINTIFF/PETITIONER: **CRAIG YATES et al.**

CASE NUMBER:

DEFENDANT/RESPONDENT: **LA ROCCA'S CORNER, et al.****CGC-07-469605****ATTACHMENT** (Number): 2 Page 5 of 12

(This Attachment may be used with any Judicial Council form.) (Add pages as required)

- “Plaintiff CRAIG YATES is a person with physical disabilities who, on or about *October 16, 2006 and February 22, 2007*, was an invitee, guest, patron, customer . . . [who] suffered bodily injury (including, but not limited to, fatigue, stress, strain and pain in wheeling and attempting to and/or transferring around, through, up and over architectural barriers), physical discomfort, emotional distress, mental distress, mental suffering, mental anguish, which includes, but is not limited to, shame, humiliation, embarrassment, anger, chagrin, disappointment and worry, expectedly and naturally associated with a person with physical disabilities being denied access . . .” (U.S.D.C. N.D. Cal. Case No. 3:2007cv01566-PJH, Complaint, ¶¶2, 14, 25, 27);
- “Plaintiff CRAIG YATES is a person with physical disabilities who, on or about *October 25, 2006, January 12, 2007 and January 26, 2007*, was an invitee, guest, patron, customer . . . [who] suffered bodily injury. . . . Specifically, as a legal result of defendants negligence in the design, construction and maintenance of the existing counter self plaintiff CRAIG YATES struck it with his shoulder causing trauma to it. Further, plaintiff CRAIG YATES suffered emotional distress, mental distress, mental suffering, mental anguish, which includes, but is not limited to, shame, humiliation, embarrassment, anger, disappointment and worry, expectedly and naturally associated with a person with physical disabilities being denied access . . .” (U.S.D.C. N.D. Cal. Case No. 3:2007cv03033-EDL, Complaint, ¶¶2, 14, 15, 22, 24);
- “Plaintiff CRAIG YATES is a person with physical disabilities who, on or about *December 22, 2006, January 26, 2007, March 29, 2007 and June 23, 2007*, was an invitee, guest, patron, customer . . . [who] suffered physical discomfort, emotional distress, mental distress, mental suffering, mental anguish, which includes, but is not limited to, shame, humiliation, embarrassment, anger, chagrin, disappointment and worry, expectedly and naturally associated with a person with physical disabilities being denied access . . .” (U.S.D.C. N.D. Cal. Case No. 3:2007cv04177-EDL, Complaint, ¶¶2, 14, 27, 29);
- “Plaintiff CRAIG YATES is a person with physical disabilities who, on or about *December 22, 2006, January 26, 2007, March 29, 2007, June 23, 2007 and July 22, 2007*, was an invitee, guest, patron, customer . . . [who] suffered bodily injury. . . .” (U.S.D.C. N.D. Cal. Case No. 3:2007cv04395-JCS, Complaint, ¶¶2, 14, 32);

PLAINTIFF/PETITIONER: **CRAIG YATES et al.**

CASE NUMBER:

DEFENDANT/RESPONDENT: **LA ROCCA'S CORNER, et al.****CGC-07-469605****ATTACHMENT** (Number): 2 Page 6 of 12

(This Attachment may be used with any Judicial Council form.) (Add pages as required)

- "Plaintiff CRAIG YATES is a person with physical disabilities who, on or about *December 22, 2006 and January 26, 2007*, was an invitee, guest, patron, customer . . . [who] suffered bodily injury (including, but not limited to, fatigue, stress, strain and pain in wheeling and attempting to and/or transferring around, through, up and over architectural barriers), physical discomfort, emotional distress, mental distress, mental suffering, mental anguish, which includes, but is not limited to, shame, humiliation, embarrassment, anger, chagrin, disappointment and worry, expectedly and naturally associated with a person with physical disabilities being denied access . . ." (U.S.D.C. N.D. Cal. Case No. 3:2007cv02657-JL, Complaint, ¶¶2, 14, 24);
- "Plaintiff CRAIG YATES is a person with physical disabilities who, on or about *May 16, 2007, May 23, 2007, July 5, 2007, May 12, 2008 and July 16, 2008*, was an invitee, guest, patron, customer . . . [who] suffered emotional distress, mental distress, mental suffering, mental anguish, which includes, but is not limited to, shame, humiliation, embarrassment, anger, disappointment and worry, expectedly and naturally associated with a person with physical disabilities being denied access, all to his damages as prayed hereinafter in an amount within the jurisdiction of this court." (U.S.D.C. N.D. Cal. Case No. 4:2008cv03914-CW, Complaint, ¶¶2, 14, 33);
- "Plaintiff CRAIG YATES is a person with physical disabilities who, on or about *May 17, 2007, May 24, 2007 and October 11, 2007*, was an invitee, guest, patron, customer . . . [who] suffered emotional distress, mental distress, mental suffering, mental anguish, which includes, but is not limited to, shame, humiliation, embarrassment, anger, disappointment and worry, expectedly and naturally associated with a person with physical disabilities being denied access, all to his damages as prayed hereinafter in an amount within the jurisdiction of this court." (U.S.D.C. N.D. Cal. Case No. 3:2007cv05485-MMC, Complaint, ¶¶2, 14, 27);
- "On or about *June 13, 2007, June 22, 2007 and September 18, 2007*, . . . plaintiff's . . . injuries . . ." (SF Sup. Ct. Case No. CGC-07-467642, Complaint, ¶¶2, 14, 31, 34, 57);
- "Plaintiff CRAIG YATES is a person with physical disabilities who, on or about *June 13, 2007, June 22, 2007 and October 22, 2007*, was an invitee, guest, patron, customer . . . [who] suffered emotional distress, mental distress, mental suffering, mental anguish, which includes, but is not limited to, shame, humiliation, embarrassment, anger, disappointment and worry, expectedly and naturally associated with a person with physical disabilities being denied access, all to his damages as prayed hereinafter in an amount within the jurisdiction of this court." (SF Sup. Ct. Case No. CGC-07-469605, Complaint, ¶¶2, 14, 24);

PLAINTIFF/PETITIONER: **CRAIG YATES et al.**

CASE NUMBER:

DEFENDANT/RESPONDENT: **LA ROCCA'S CORNER, et al.****CGC-07-469605****ATTACHMENT** (Number): 2 Page 7 of 12

(This Attachment may be used with any Judicial Council form.) (Add pages as required)

- “Plaintiff CRAIG YATES is a person with physical disabilities who, on or about *July 1, 2007, August 25, 2007, October 16, 2007 and November 2, 2007*, was an invitee, guest, patron, customer . . . [who] suffered bodily injury. . . .” (U.S.D.C. N.D. Cal. Case No. 3:2007cv06498-WHA, Complaint, ¶¶2, 14, 31);
- “Plaintiff CRAIG YATES is a person with physical disabilities who, on or about *July 21, 2007, January 15, 2008, March 24, 2008 and March 27, 2008*, was an invitee, guest, patron, customer . . . [who] suffered emotional distress, mental distress, mental suffering, mental anguish, which includes, but is not limited to, shame, humiliation, embarrassment, anger, disappointment and worry, expectedly and naturally associated with a person with physical disabilities being denied access, all to his damages as prayed hereinafter in an amount within the jurisdiction of this court.” (U.S.D.C. N.D. Cal. Case No. 3:2008cv02165-SI, Complaint, ¶¶2, 14, 30);
- “Plaintiff CRAIG YATES is a person with physical disabilities who, on or about *August 26, 2007, September 4, 2007, September 8, 2007, September 9, 2007 and October 17, 18 2007*, was an invitee, guest, patron, customer . . . [who] stressed and strained himself in his wheelchair attempting this maneuver, resulting in trauma to his one partially usable right upper extremities.” (SF Sup. Ct. Case No. CGC-07-469073, Complaint, ¶¶2, 14, 15);
- “Plaintiff CRAIG YATES is a person with physical disabilities who, on or about *August 13, 2006, August 30, 2006, May 19, 2007, June 22, 2007, July 18, 2007 and December 17, 2007*, was an invitee, guest, patron, customer . . . [and suffered] injuries.” (SF Sup. Ct. Case No. CGC-08-470951, Complaint, ¶¶2, 14, 35);
- Plaintiff CRAIG YATES is a person with physical disabilities [and] suffered physical stress, strain and exhaustion in attempting to negotiate barriers at the subject Union Square, suffered physical pain and discomfort, and other physical, psychological, and emotional damages, pain and suffering, all to his damages. (SF Sup. Ct. Case No. CGC-08-473176, Complaint, ¶¶2, 17);
- “Plaintiff CRAIG YATES is a person with physical disabilities who, on or about *March 29, 2007, August 30, 2007, October 18, 2007, April 11, 2008 and May 6, 2008*, was an invitee, guest, patron, customer . . . [who] suffered emotional distress, mental distress, mental suffering, mental anguish, which includes, but is not limited to, shame, humiliation, embarrassment, anger, disappointment and worry, expectedly and naturally associated with a person with physical disabilities being denied access, all to his damages as prayed hereinafter in an amount within the jurisdiction of this court.” (U.S.D.C. N.D. Cal. Case No. 3:2008cv03004-EDL, Complaint, ¶¶2, 14, 32);

PLAINTIFF/PETITIONER: **CRAIG YATES et al.**

CASE NUMBER:

DEFENDANT/RESPONDENT: **LA ROCCA'S CORNER, et al.****CGC-07-469605****ATTACHMENT** (Number): 2 Page 8 of 12

(This Attachment may be used with any Judicial Council form.) (Add pages as required)

- “On or about *May 19, 2007, June 15, 2007, July 24, 2007 and February 16, 2008*, plaintiff CRAIG YATES was an invitee and guest . . .” and alleges no physical injuries. (SF Sup. Ct. Case No. CGC-08-473260);
- Plaintiff CRAIG YATES is a person with physical disabilities who, on or about *August 1, 2007, August 7, 2007, August 12, 2007, December 17, 2007 and March 7, 2008*, was an invitee, guest, patron, customer . . . [and suffered] injuries.” (SF Sup. Ct. Case No. CGC-08-470951, Complaint, ¶¶2, 14, 35);
- “Plaintiff CRAIG YATES is a person with physical disabilities who, on or about *October 26, 2007, October 28, 2007, December 2, 2007, February 17, 2008 and March 19, 2008*, was an invitee, guest, patron, customer . . . [who] suffered bodily injury . . . including, but not limited to, fatigue, stress, strain and pain in wheeling and attempting to and/or transferring up, on, down, to, over, around and through architectural barriers. Specifically, as a legal result of defendants negligence in the design, construction and maintenance of the existing entry doors, placement of loose mat on a slope and excessive door pressure, plaintiff suffered continuous, repetitive and cumulative trauma to his upper extremity while attempting to open a double door.” (U.S.D.C. N.D. Cal. Case No. 3:2008cv01877-WHA, Complaint, ¶¶2, 14, 33, 35);
- “Plaintiff CRAIG YATES is a person with physical disabilities who, on or about *September 9, 2007, September 16, 2007, September 23, 2007, October 17, 2007, January 24, 2008, February 16, 2008, March 5, 2008, March 31, 2008, April 3, 2008 and April 16, 2008*, was an invitee, guest, patron, customer . . . [who] suffered bodily injury . . . including, but not limited to, fatigue, stress, strain and pain in wheeling and attempting to and/or transferring up, on, down, to, over, around and through architectural barriers. Specifically, as a legal result of defendants negligence in the design, construction and maintenance of the existing the west side entry door plaintiff suffered 16 continuous, repetitive and cumulative trauma to his right upper extremity while attempting to pull the door open without strike side clearance.” (U.S.D.C. N.D. Cal. Case No. 3:2008cv02293-PJH, Complaint, ¶¶2, 14, 44, 46);
- “Plaintiff CRAIG YATES is a person with physical disabilities who, on or about *September 16, 2007, January 24, 2008, February 17, 2008, March 6, 2008, March 24, 2008, April 3, 2008, April 16, 2008 and May 22, 2008*, was an invitee, guest, patron, customer . . . [who] suffered emotional distress, mental distress, mental suffering, mental anguish, which includes, but is not limited to, shame, humiliation, embarrassment, anger, disappointment and worry, expectedly and naturally associated with a person with physical disabilities being denied access, all to his damages as prayed hereinafter in an amount within the jurisdiction of this court.” (U.S.D.C. N.D. Cal. Case No. 3:2008cv03183-BZ, Complaint, ¶¶2, 14, 29);

PLAINTIFF/PETITIONER: **CRAIG YATES et al.**

CASE NUMBER:

DEFENDANT/RESPONDENT: **LA ROCCA'S CORNER, et al.****CGC-07-469605****ATTACHMENT** (Number): 2 Page 9 of 12

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- “Plaintiff CRAIG YATES is a person with physical disabilities who, on or about *October 18, 2007 and October 26, 2007*, was an invitee, guest, patron, customer . . . [who] suffered bodily injury . . . including, but not limited to, fatigue, stress, strain and pain in wheeling and attempting to and/or transferring up, on, down, to, over, around and through architectural barriers. Specifically, as a legal result of defendants negligence in the design, construction and maintenance of the existing unisex restroom door, plaintiff suffered continuous, repetitive and cumulative trauma to upper extremities while attempting to open said door without strike side clearance.” (U.S.D.C. N.D. Cal. Case No. 3:2008cv02734-SI, Complaint, ¶¶2, 14, 30, 33);
- “Plaintiff CRAIG YATES is a person with physical disabilities who, on or about *November 29, 2007, March 5, 2008, April 3, 2008 and May 4, 2008*, was an invitee, guest, patron, customer . . . [who] suffered bodily injury.” (U.S.D.C. N.D. Cal. Case No. 4:2008cv02545-CW, Complaint, ¶¶2, 14, 30);

Plaintiff CRAIG YATES’s repeated bodily injury and emotional distress claims over the course of four years calls into serious question the veracity of those claims. Indeed, his claims are reminiscent of another individually named plaintiff JAREK MOLSKI who also asserted repeated bodily injury and emotional distress claims over many years in hundreds of lawsuit and whom the United States District Court for the Central District of California found to be a vexatious litigant sanctioned the law firm representing plaintiff Molski, Thomas E. Frankovich, a Professional Law Corporation. (See Order Granting Defendant's Motion to Declare Jarek Molski a Vexatious Litigant and for a Pre-filing Order Requiring Molski to Obtain Leave of Court Before Filing Any Other Claims under the Americans with Disabilities Act [the “Vexatious Litigant Order”] in *Molski et al v. Mandarin Touch Restaurant et al*, U.S.D.C. C.D. Cal. Case No. 2:04-cv-00450-ER attached hereto as Exhibit “A.”)

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PLAINTIFF/PETITIONER: **CRAIG YATES et al.**

CASE NUMBER:

DEFENDANT/RESPONDENT: **LA ROCCA'S CORNER, et al.****CGC-07-469605****ATTACHMENT** (Number): 2 Page 10 of 12*(This Attachment may be used with any Judicial Council form.) (Add pages as required)*

The Ninth Circuit upheld the Vexatious Litigant Order. (See generally Molski v. Evergreen Dynasty Corp. (9th Cir.2007) 500 F.3d 1047, 1062, Part V attached hereto as Exhibit “B.”) In upholding the district court’s Vexatious Litigant Order, the Ninth Circuit noted:

[I]n 2004 the Frankovich Group filed at least 223 nearly identical lawsuits in the Northern and Central Districts of California, that the complaints all stated an ADA claim and the same four claims under California state law, that the damages requested in each case were identical and that, other than superficial alteration of the names and facts, the complaints were textually identical down to the typos.” Id. at 1052-53. We also considered and agreed with the district court’s observation that many of the claims of bodily injury found in the various complaints were “contrived.” Id. at 1053. Specifically, we noted that: [t]he court found in particular that “the rate of physical injury defies common sense,” noting that the plaintiffs alleged similar injuries sustained in a similar fashion at different businesses on the same day. The court noted that the similar injuries did not excuse the existence of accessibility barriers, but that its finding that the injury claims were contrived was “merely a recognition of the fact that reasonable people, once injured, tend to take affirmative steps to avoid similar physical injuries, rather than repeat that same activity 400 times (or five times in the same day).”

Molski, supra, 500 F.3d at 1053-54 (Exhibit “B” hereto [internal citations omitted, emphasis added].)

Defendant PURGATORY, INC., submits that plaintiff CRAIG YATES, represented by Thomas E. Frankovich, a Professional Law Corporation, has engaged in the same litigation tactics as plaintiff JAREK MOLSKI. Thus, defendant respectfully contends that this case involves the same parties and is based on the same or similar claims as the pending cases before this Court, the Marin County Superior Court and the federal district court for the Northern District of California and arises from the same or substantially identical transactions, incidents, or events requiring the determination of the same or substantially identical questions of law or fact within the meaning of Rule 3.300(a) of the California Rules of Court.

In addition, given the repetitive claims of the bodily injury and emotional distress allegations in these suits, the defendants have a right not only to challenge the legitimacy of the allegations, but should be afforded the opportunity to question comparative fault and apportionment of any

PLAINTIFF/PETITIONER: **CRAIG YATES et al.**

CASE NUMBER:

DEFENDANT/RESPONDENT: **LA ROCCA'S CORNER, et al.****CGC-07-469605****ATTACHMENT** (Number): 2 Page 11 of 12*(This Attachment may be used with any Judicial Council form.) (Add pages as required)*

legitimate claims of personal injuries. Consequently, defendant PURGATORY, INC., submits that, for judicial economy reasons assignment to a single judge of all cases in which plaintiff CRAIG YATES is a party is warranted because litigation of these claims will require substantial duplication of judicial resources if heard by different judges within the meaning of Rule 3.300(a) of the California Rules of Court.

**Plaintiff: DISABILITY RIGHTS ENFORCEMENT, EDUCATION, SERVICES:
 HELPING YOU HELP OTHERS**

In every complaint filed by an individual plaintiff as identified in this Notice of Related Cases, plaintiff DISABILITY RIGHTS ENFORCEMENT EDUCATION SERVICES: HELPING YOU HELP OTHERS is also a party and describes itself as a nonprofit organization advocating on disability issues and seeks redress along with the individual plaintiff. In an extraordinary number of the cases identified herein, there is typically a challenge made to plaintiff DISABILITY RIGHTS ENFORCEMENT EDUCATION SERVICES: HELPING YOU HELP OTHERS's standing to sue.

An organization may have standing to bring suit on behalf of its members if (1) its members would otherwise have standing to sue in their own right, (2) the interests it seeks to protect are germane to the organization's purpose, and (3) the participation of individual members in the lawsuit is not required. (Hunt v. Washington Apple Advertising Comm'n (1977) 432 U.S. 333, 343. The first two requirements for organizational standing are constitutional; the third is prudential. (Or. Advocacy Ctr v. Mink (2003) 322 F.3d 1101, 1109.

Under the prudential standing doctrine, "the individual plaintiff is in the best position to litigate his own claims," (Molski v. Kahn Winery (C.D.Cal.2005) 381 F.Supp.2d 1209, 1210; see also Allen v. Wright (1984) 468 U.S. 737, 751 ["general prohibition on a litigant's raising another person's legal rights"]; Gladstone, Realtors v. Village of Bellwood (1979) 441 U.S. 91, 100 ["Even when a case falls within these constitutional boundaries, a plaintiff may still lack standing under the

PLAINTIFF/PETITIONER: **CRAIG YATES et al.**

CASE NUMBER:

DEFENDANT/RESPONDENT: **LA ROCCA'S CORNER, et al.****CGC-07-469605****ATTACHMENT** (Number): 2 Page 12 of 12

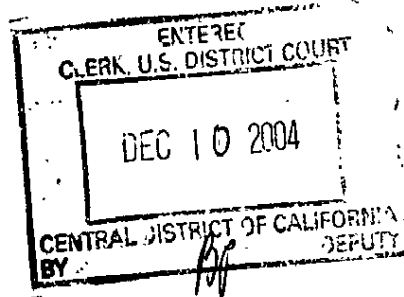
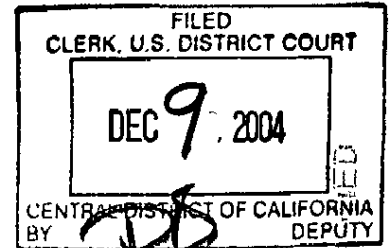
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prudential principles by which the judiciary seeks ... to limit access to the federal courts to those litigants best suited to assert a particular claim”].)

Because plaintiff DISABILITY RIGHTS ENFORCEMENT EDUCATION SERVICES: HELPING YOU HELP OTHERS is a plaintiff along with every individually named plaintiff in this Notice of Related Cases, defendant PURGATORY, INC., submits that this case involves the same parties and is based on the same or similar claims as the pending cases before this Court, the Marin County Superior Court and the federal district courts for the Northern, Central and Eastern District of California.

In addition, because there is the same standing question inherent in each case in which plaintiff DISABILITY RIGHTS ENFORCEMENT EDUCATION SERVICES: HELPING YOU HELP OTHERS seeks redress along with an individually named plaintiff, defendant PURGATORY, INC., submits that, for judicial economy reasons assignment to a single judge of all cases in which plaintiff DISABILITY RIGHTS ENFORCEMENT EDUCATION SERVICES: HELPING YOU HELP OTHERS is a party is warranted because litigation of its claims will require substantial duplication of judicial resources if heard by different judges within the meaning of Rule 3.300(a) of the California Rules of Court.

Exhibit A



Priority ☒
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UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

JAREK MOLSKI, an individual;
 and DISABILITY RIGHTS
 ENFORCEMENT EDUCATION
 SERVICES: HELPING YOU
 HELP OTHERS, a California
 corporation,

Plaintiffs,

v.

MANDARIN TOUCH
 RESTAURANT; EVERGREEN
 DYNASTY CORP., a California
 corporation; and BRIAN
 McINERNEY and KATHY S.
 McINERNEY, as joint tenants,

Defendants.

Case No. CV 04-0450 ER

**ORDER GRANTING DEFENDANT'S
 MOTION TO DECLARE JAREK
 MOLSKI A VEXATIOUS LITIGANT
 AND FOR A PRE-FILING ORDER
 REQUIRING MOLSKI TO OBTAIN
 LEAVE OF COURT BEFORE FILING
 ANY OTHER CLAIMS UNDER THE
 AMERICANS WITH DISABILITIES
 ACT**

Defendant Evergreen Dynasty Corporation, doing
 business as Mandarin Touch Restaurant,¹ has asked this
 Court to declare Plaintiff Jarek Molski a vexatious
 litigant, and to order Molski to obtain leave of court

¹ Brian and Kathy S. McInerney did not join in the Motion
 for a Pre-Filing Order. For simplicity, this order will refer to
 Mandarin Touch and Evergreen Dynasty, collectively, as
 "Defendant."

1 before filing any other claims under the Americans With
2 Disabilities Act. The matter came on for hearing on
3 November 15, 2004, the Honorable Edward Rafeedie
4 presiding. The Court has concluded that a pre-filing
5 order is appropriate for the reasons discussed below.

6 **Statement of Facts**

7 a. Plaintiff's History of Litigation

8 Plaintiff Jarek Molski is a physically disabled
9 individual who relies on a wheelchair for ambulation.
10 Although he resides in Woodland Hills, he has filed
11 hundreds² of lawsuits in federal courts throughout the
12 state of California.

13 A review of the cases submitted to this Court
14 reveals that many are nearly identical in terms of the
15 facts alleged, the claims presented, and the damages
16 requested. In virtually every complaint involving a
17 restaurant or winery, Molski initially reports having
18 trouble finding adequate van-accessible parking. Then,
19 almost uniformly, he reports difficulties entering the
20 business, often citing ramps that are too steep, or
21 doors that require more pressure to open than is

22
23 ² Defendant's Memorandum of Points and Authorities
24 asserts that Molski has filed 334 lawsuits in the federal courts
25 since 1998. During the hearing, Plaintiff's counsel stated that
26 Molski had filed approximately 400 suits, and the Court will
27 accept that number. Despite this considerable number of filings,
28 Molski has never litigated a suit on the merits in the Central
District of California. The vast majority of his claims settle,
with a significant minority dismissed for lack of prosecution or
violation of a court order.

1 permitted by law. After entering the business, Molski
2 generally complains that the service counter is too
3 high. Virtually every complaint ends with Molski
4 venturing to the restroom, which inevitably suffers
5 from at least one violation. Molski almost always
6 suffers some injury - typically to the upper
7 extremities - in the process of transferring himself
8 from his wheelchair to the toilet. He also regularly
9 complains of suffering humiliation or other emotional
10 distress from the experience. Molski's prayer for
11 relief routinely includes both a request for injunctive
12 relief and damages of \$4,000 per day, for each day
13 after his visit until the facility is brought up to ADA
14 standards.

15 The facts of the instant case are predictably
16 similar. On January 25, 2003, Molski's complaint
17 alleges that he had dinner at the Mandarin Touch
18 Restaurant in Solvang, California. After dinner,
19 Molski attempted to use the restroom, but found that
20 the entrance was too narrow. Molski then alleges that,
21 as he was attempting to leave the restroom, his hand
22 became "caught in the exterior door causing trauma to
23 it." The lawsuit asks for injunctive relief to bring
24 the restaurant up to ADA standards, and damages of not
25 less than \$4,000 per day, for each day after his visit
26 until such time as the restaurant is made fully
27 accessible.

28

1 b. The Americans With Disabilities Act

2 The Americans with Disabilities Act ("ADA"), 42
 3 U.S.C. § 12101, et seq., was signed into law in 1990.
 4 Its stated goal is to remedy discrimination against
 5 individuals with disabilities.³ To that end, Title III
 6 of the ADA, 42 U.S.C. § 12181, et seq., requires the
 7 removal of structural barriers in existing public
 8 accommodations "where such removal is readily
 9 achievable."⁴ 42 U.S.C. § 12182(b)(2)(A)(iv). See also
 10 28 C.F.R. § 36.304 (2004) (listing examples of, and
 11 prioritizing, readily achievable repairs). Where
 12 removal of the barrier is not readily achievable, the
 13 facility must provide access "through alternative

15 ³ The ADA states:

16 It is the purpose of this Act--

17 (1) to provide a clear and comprehensive
 18 national mandate for the elimination of
 19 discrimination against individuals with
 20 disabilities;

21 (2) to provide clear, strong, consistent,
 22 enforceable standards addressing discrimination
 23 against individuals with disabilities;

24 (3) to ensure that the Federal Government plays
 25 a central role in enforcing the standards
 26 established in this Act on behalf of individuals
 27 with disabilities; and

28 (4) to invoke the sweep of congressional
 authority, including the power to enforce the
 fourteenth amendment and to regulate commerce, in
 order to address the major areas of discrimination
 faced day-to-day by people with disabilities.
 42 U.S.C. § 12101(b).

⁴ The ADA defines "readily achievable" as "easily
 accomplishable and able to be carried out without much difficulty
 or expense." 42 U.S.C. § 12181 (9).

1 methods if such methods are readily achievable." 42
2 U.S.C. § 12182(b)(2)(A)(v).

3 To enforce Title III, the ADA contains both a
4 private right of action, 42 U.S.C. § 12188(a), and a
5 right of action for the Attorney General, 42 U.S.C. §
6 12188(b). While the Attorney General may seek monetary
7 damages on behalf of an aggrieved party, 42 U.S.C. §
8 12188(b)(2)(B), the only remedies available under the
9 private right of action are injunctive relief and the
10 recovery of attorneys' fees and costs. 42 U.S.C. §
11 12188(a)(1); 42 U.S.C. § 2000a-3(a). By providing
12 different remedies for public and private enforcement,
13 Congress clearly demonstrated its intent to prevent
14 private plaintiffs from recovering money damages under
15 the ADA. American Bus Ass'n v. Slater, 231 F.3d 1, 5
16 (D.C. Cir. 2000) ("By specifying the circumstances
17 under which monetary relief will be available, Congress
18 evinced its intent that damages would be available in
19 no others.").

20 However, enterprising plaintiffs (and their
21 attorneys) have found a way to circumvent the will of
22 Congress by seeking money damages while retaining
23 federal jurisdiction. Because a violation of the ADA
24 also constitutes a violation of California's Unruh
25 Civil Rights Act, Cal. Civ. Code § 51(f), and the
26 California Disabled Persons Act ("CDPA"), Cal. Civ.
27 Code § 54(c), Plaintiffs can sue in federal court for
28 injunctive relief under the ADA, and tack on state law

1 claims for money damages under the Unruh Act and CDPA.
2 See, e.g., Moeller v. Taco Bell Corp., 220 F.R.D. 604,
3 607 (N.D. Cal. 2004).

4 The ability to profit from ADA litigation has given
5 birth to what one Court described as "a cottage
6 industry." Rodriguez v. Investco, L.L.C., 305 F. Supp.
7 2d 1278, 1280-81 (M.D. Fla. 2004). The scheme is
8 simple: an unscrupulous law firm sends a disabled
9 individual to as many businesses as possible, in order
10 to have him aggressively seek out any and all
11 violations of the ADA. Then, rather than simply
12 informing a business of the violations, and attempting
13 to remedy the matter through "conciliation and
14 voluntary compliance," id. at 1281, a lawsuit is filed,
15 requesting damage awards that would put many of the
16 targeted establishments out of business. Faced with
17 the specter of costly litigation and a potentially
18 fatal judgment against them, most businesses quickly
19 settle the matter.

20 The result of this scheme is that "the means for
21 enforcing the ADA (attorney's fees) have become more
22 important and desirable than the end (accessibility for
23 disabled individuals)." Brother v. Tiger Partner, LLC,
24 331 F. Supp. 2d 1368, 1375 (M.D. Fla. 2004). Serial
25 plaintiffs, like Molski, serve as "professional pawn[s]
26 in an ongoing scheme to bilk attorney's fees."
27 Rodriguez, 305 F. Supp. 2d at 1285. It is a "type of
28 shotgun litigation [that] undermines both the spirit

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1 and purpose of the ADA." Brother, 331 F. Supp. 2d at
 2 1375.⁵

3 Analysis

4 a. Authority to Issue Pre-Filing Order

5 The District Court has the inherent power to levy
 6 sanctions in response to abusive litigation practices.
 7 See, e.g., Roadway Express, Inc. v. Piper, 447 U.S.
 8 752, 765-66 (1980). This inherent power is augmented
 9 by Local Rule 83-8, which empowers this Court to craft
 10 an appropriate sanction to defend against vexatious
 11 litigation, including, but not limited to, "a directive
 12 to the Clerk not to accept further filings from the
 13 litigant without payment of normal filing fees and/or
 14 without written authorization from a judge of the Court
 15 or a Magistrate Judge, issued upon such showing of the
 16 evidence supporting the claim as the judge may
 17 require."⁶ C.D. Cal. Local Rule 83-8.2.

18
 19 ⁵ The Brother court expressed serious concerns about the
 20 "vexatious litigation tactics" employed by serial ADA plaintiffs,
 21 and called upon the Congress to formulate a legislative solution
 22 to the problem. 331 F. Supp. 2d at 1375. Pending legislative
 23 reform, however, "[t]he appropriate mechanism for addressing
 24 allegations of such behavior lies with the ethics and
 25 disciplinary bodies of State bar associations or with the court
 26 where the litigation is pending." ADA Notification Act: Hearings
 27 on H.R. 3590, before the Subcomm. on the Constitution of the
 28 House Comm. on the Judiciary (May 18, 2000), available at:
http://commdocs.house.gov/committees/judiciary/hju66728.000/hju66728_0.htm.

29 ⁶ Local Rule 83-8 also states:
 30 It is the policy of the Court to discourage
 31 vexatious litigation and to provide persons who are
 32 subjected to vexatious litigation with security

b. Standard for Vexatious Litigant

In deciding whether or not to restrict a litigant's access to the courts, "[u]ltimately, the question the court must answer is whether a litigant who has a history of vexatious litigation is likely to continue to abuse the judicial process and harass other parties." Safir v. United States Lines, Inc., 792 F.2d 19, 23 (2nd Cir. 1986). In doing so, the Court should look to five factors: (1) the litigant's history of litigation and in particular whether it entailed vexatious, harassing or duplicative lawsuits; (2) the litigant's motive in pursuing the litigation, e.g., does the litigant have an objective good faith expectation of prevailing?; (3) whether the litigant is represented by counsel; (4) whether the litigant has caused needless expense to other parties or has posed an unnecessary burden on the courts and their personnel; and (5) whether other sanctions would be adequate to protect the courts and other parties. See id.

1. Litigant's History of Litigation

A "vexatious suit" is a "lawsuit instituted

against the costs of defending against such litigation and appropriate orders to control such litigation. It is the intent of this rule to augment the inherent power of the Court to control vexatious litigation and nothing in this rule shall be construed to limit the Court's inherent power in that regard.

C.D. Cal. Local Rule 83-8.1.

maliciously and without good cause." Black's Law Dictionary 1596 (8th ed. 2004). After examining Plaintiff's extensive collection of lawsuits, the Court believes that most, if not all, were filed as part of a scheme of systematic extortion, designed to harass and intimidate business owners into agreeing to cash settlements.

The Court bases this determination on several considerations. One is the sheer volume of lawsuits filed by this Plaintiff. Although litigiousness alone is insufficient to justify a restriction on filing activities, see In re Oliver, 682 F.2d 443, 446 (3rd Cir. 1982), it is a factor the Court considers indicative of an intent to harass. See De Long v. Hennessey, 912 F.2d 1144, 1147 (9th Cir. 1990) (stating that in order to issue a prefiling order, "[a]t the least, the record needs to show, in some manner, that the litigant's activities were numerous or abusive"). Here, Molski's filing are plainly numerous, and, as discussed throughout this order, abusive as well.

Another consideration is the textual and factual similarity of the complaints filed by Plaintiff. This too, while not dispositive, is a factor the Court considers indicative of an intent to harass, as it suggests that Plaintiff is filing boilerplate complaints. See In re Powell, 851 F.2d 427, 431 (D.C. Cir. 1988) (stating that "the district court should attempt to discern whether the filing of several

1 similar types of actions constitutes an intent to
2 harass the defendant or the court").

3 Most important, however, is the Court's conclusion
4 that the allegations contained in Plaintiff's
5 complaints are contrived and not credible. Although it
6 is not obvious when looking at an individual complaint,
7 examining Plaintiff's complaints in the aggregate
8 reveals a clear intent to harass businesses.

9 For example, in Molski v. El 7 Mares Restaurant,
10 Case No. C04-1882 (N.D. Cal. 2004), Molski claims that,
11 on May 20, 2003, he and significant other, Brygida
12 Molski, attended the El 7 Mares Restaurant for the
13 purposes of dining out. Molski alleges that the
14 restaurant lacked adequate handicapped parking, and
15 that the food counter was too high. After the meal,
16 Molski attempted to use the restroom, but because the
17 toilet's grab bars were improperly installed, he
18 injured his shoulders in the process of transferring
19 himself from his wheelchair to the toilet. Thereafter,
20 he was unable to wash his hands because of the
21 lavatory's design.

22 Although this complaint appears credible standing
23 alone, its validity is undermined when viewed alongside
24 Molski's other complaints. In Molski v. Casa De Fruta,
25 L.P., Case No. C04-1981 (N.D. Cal. 2004), Molski
26 alleges that he sustained nearly identical injuries on
27 the exact same day, May 20, 2003. In Casa de Fruta,
28 Molski alleges that he and significant other, Brygida

1 Molski, patronized Casa de Fruta for the purpose of
2 wine tasting. On arrival, Molski was again unable to
3 locate van accessible parking. Once inside, Molski
4 again found the counter to be too high. After wine
5 tasting, Molski again decided to use the restroom, and
6 again, injured his upper extremities while in the
7 process of transferring himself to the toilet.
8 Thereafter, he was once again unable to wash his hands
9 due to the design of the lavatory.

10 This was, apparently, not the end of Molski's day.
11 In Molski v. Rapazzini Winery, Case No. C04-1881 (N.D.
12 Cal. 2004), Molski once again alleges that he sustained
13 nearly identical injuries on the exact same day, May
14 20, 2003. Molski, again accompanied by Brygida Molski,
15 claims he visited the Rapazzini Winery for the purpose
16 of wine tasting. Again, Molski complains that the
17 parking lot lacked adequate handicapped van accessible
18 parking. Upon entering the establishment, he
19 discovered that the counter was too high. After
20 tasting wine, he again needed to use the restroom. In
21 the course of transferring himself from his wheelchair
22 to the toilet, he injured himself yet again.
23 Thereafter, he was again unable to wash his hands due
24 to the lavatory's design.

25 The Court is tempted to exclaim: "what a lousy
26 day!" It would be highly unusual - to say the least -
27 for anyone to sustain two injuries, let alone three, in
28 a single day, each of which necessitated a separate

1 federal lawsuit. But in Molski's case, May 20, 2003,
2 was simply business as usual. Molski filed 13 separate
3 complaints for essentially identical injuries sustained
4 between May 19, 2003 and May 23, 2003. The Court
5 simply does not believe that Molski suffered 13 nearly
6 identical injuries, generally to the same part of his
7 body, in the course of performing the same activity,
8 over a five-day period. This is to say nothing of the
9 hundreds of other lawsuits Molski has filed over the
10 last four years, many of which make nearly identical
11 allegations. The record before this Court leads it to
12 conclude that these suits were filed maliciously, in
13 order to extort a cash settlement.

14 It is possible, even likely, that many of the
15 businesses sued were not in full compliance with the
16 ADA. However, "[f]or purposes of imposing sanctions
17 under the inherent power of the court, a finding of bad
18 faith 'does not require that the legal and factual
19 basis for the action prove totally frivolous; where a
20 litigant is substantially motivated by vindictiveness,
21 obduracy, or mala fides, the assertion of a colorable
22 claim will not bar the assessment of [sanctions].'"

23 Fink v. Gomez, 239 F.3d 989, 992 (9th Cir.

24 2001) (citations omitted). See also Vollmer v. Selden,
25 350 F.3d 656, 660 (7th Cir. 2003) (a non-frivolous
26 filing may be sanctionable if filed for an improper
27 purpose, such as extortion). So, even if the
28 businesses sued by Molski were in violation of the ADA,

1 this fact is outweighed by the Court's finding that he
2 acted in bad faith, for the improper purpose of
3 extorting a settlement. The Court therefore finds that
4 Molski has a considerable history of vexatious
5 litigation. See Brother, 331 F. Supp. 2d at 1375
6 (describing a similar pattern of "shotgun" ADA
7 litigation, designed to extort attorneys' fees, as
8 "vexatious litigation").

9 2. Litigant's Motive

10 The next factor to be considered is the litigant's
11 motive in bringing the lawsuit. Molski claims that his
12 motivation was to obtain injunctive relief, and that
13 the funds recovered were largely used to offset his
14 legal expenses. But this explanation is undercut by
15 his course of action. The ADA itself allows private
16 plaintiffs to sue for injunctive relief, and to recover
17 their attorneys' fees and costs. It does not allow for
18 any award of money damages to a private plaintiff. If
19 Molski's motivation was genuinely to obtain injunctive
20 relief and recover his legal costs, he could sue
21 entirely under the ADA. But he does not do that.
22 Instead, Molski almost always raises additional state
23 law claims under the CDPA, California Health & Safety
24 Code, the Unruh Civil Rights Act, and California Bus. &
25 Prof. Code § 17200, which allow for the recovery of
26 money damages.

27 Clearly, raising multiple claims, by itself, is not
28 unethical or vexatious. However, it is consistent with

1 an overall pattern of behavior that demonstrates
2 Molski's motivation is, ultimately, to extract a cash
3 settlement. The threat of significant money damages⁷ is
4 a much more effective inducement to settle than merely
5 requesting a court order to make "readily achievable"
6 repairs. And that threat appears to be working.
7 Almost as startling as the sheer number of complaints
8 Molski has filed, is the number of those claims that
9 settle. Of the hundreds of cases Molski has filed in
10 this district, not one has ever been litigated on the
11 merits. The overwhelming majority settle, with a
12 significant minority dismissed for violation of a court
13 order, or failure to prosecute the claim. This not
14 only calls into question Molski's good faith
15 expectation of prevailing on the merits of his claim,
16 but also suggests that he does not even have a
17 reasonable expectation (or intention) of litigating the
18 suit on the merits.⁸ Molski's m.o. is clear: sue,
19 settle, and move on to the next suit.

20
21
22 ⁷ And the damages requested are quite significant. Molski
23 routinely asks for \$4,000 per day, for every day from his visit
24 until the repairs are completed. And Molski often waits a year
25 or more before filing suit. In the instant case, the purported
violation took place on January 25, 2003, but the suit was not
filed until January 23, 2004. That delay alone would be worth
\$1,452,000 if Molski received the damages requested.

26
27 ⁸ Additionally, given Molski's considerable history of
28 making questionable claims, a jury could reasonably refuse to
credit his testimony. This further weakens the likelihood of
Molski prevailing on the merits of his claims.

1 3. Representation By Counsel

2 The next factor is whether or not Molski is
3 represented by counsel. Molski has been represented by
4 counsel in every lawsuit that this Court is aware of.
5 Although courts are generally protective of pro se
6 litigants, this same protection does not apply to
7 litigants represented by counsel, and thus, this factor
8 also weighs against Plaintiff. See Iwachiw v. N.Y. City
9 Bd. of Elections, 273 F. Supp. 2d 224, 228 (E.D. N.Y.
10 2003).

11 4. Burden on the Courts

12 The fourth factor is whether Plaintiff has caused
13 needless expense to other parties or unnecessarily
14 burdened the courts. Because Plaintiff has filed a
15 countless number of vexatious claims, the Court
16 believes this factor plainly weighs against him.

17 5. Adequacy of Other Sanctions

18 The final factor is whether sanctions, other than a
19 pre-filing order, could adequately protect the court
20 and other parties. For the reasons already discussed,
21 the Court believes the answer is no. As noted above,
22 Plaintiff's filings appear meritorious when examined
23 individually. Their vexatious nature is revealed only
24 when viewed in the aggregate. Thus, the only effective
25 way to put a reviewing judge on notice of Plaintiff's
26 history is to require Molski to file a copy of this
27 order with every new complaint that he seeks to file.
28 This would allow the reviewing judge to assess whether

1 Molski had raised a bona fide claim of discrimination
2 under the ADA, or whether he was merely bringing
3 another vexatious claim in order to strong arm a
4 business into settling. See, e.g., In re Billy Roy
5 Tyler, 839 F.2d 1290, 1293-94 (8th Cir. 1988) (per
6 curiam) (holding that a pre-filing order is appropriate
7 where petitioner was able to consistently dress up
8 frivolous claims so that, on the face of the complaint,
9 they appeared to be meritorious).

10 Conclusions

11 The Court is convinced that a pre-filing order is
12 justified and necessary to prevent Molski from filing
13 any further vexatious complaints. The Court has no
14 doubt that Molski's "shotgun litigation" tactics
15 "undermine[] both the spirit and purpose of the ADA."
16 In addition to misusing a noble law, Molski has plainly
17 lied in his filings to this Court. His claims of being
18 the innocent victim of hundreds of physical and
19 emotional injuries over the last four years defy belief
20 and common sense.

21 But Molski has not acted alone. In every action,
22 Molski is aided and abetted by his attorneys, often the
23 Thomas E. Frankovich Law Offices, and his corporate co-
24 Plaintiff, Disability Rights Enforcement Education
25 Services: Helping You Help Others ("DREES").⁹ For that

26
27 ⁹ The Court notes that it has at least one other case
28 currently before it involving DREES and the Frankovich firm. The
named plaintiff in that case is Les Jankey. Jankey v. Yang Chow

1 reason, this Court is also issuing orders to show cause
2 why the Court should not exercise its inherent power to
3 extend similar sanctions to them, for their role in
4 facilitating Molski's abusive litigation practices.¹⁰

5 The Court is also troubled by the fact that Molski
6 raises a federal ADA claim in the federal courts, while
7 seeking a remedy, money damages, exclusively available
8 under state law.¹¹ Even if proven, the ADA claim would
9 not entitle Molski to any relief that is not already
10 available under state law. Additionally, the burden of
11 proving an ADA claim is necessarily at least as high as
12 proving a violation to the California statutes, as a
13 violation of the ADA constitutes a prima facie
14 violation of those statutes. Thus, the ADA claims do
15 not extend Molski any benefit in terms of the
16 litigation itself, or the remedies he may seek, other
17 than allowing him to proceed in the federal courts.

18 For that reason, the Court believes that Molski's
19 ADA claims are a sham, used as a pretext to gain access
20 to the federal courts, while he pursues remedies that

21 _____
22 Restaurant, CV 03-2239 (C.D. Cal. 2003). While less prolific
23 than Molski, the Court's computer docketing program reveals that
24 Jankey has filed 36 claims in the Central District, including 21
cases filed in 2004 alone. In each of these cases, Jankey was
represented by the Frankovich firm, and DREES is a co-plaintiff.

25 ¹⁰ The Court will also issue an order to show cause why
26 DREES's claims should not be dismissed for a lack of standing.

27 ¹¹ Although Molski does seek injunctive relief and
28 attorneys' fees under the ADA, he also requests them as part of
his state law claims.

1 are available - sometimes exclusively - under
2 California state law. Therefore, the Court will also
3 issue an order to show cause why Molski's ADA complaint
4 should not be dismissed, and his remaining claims
5 remanded back to state court, for lack of subject
6 matter jurisdiction.

7 Sadly, Molski is not unique. The Trevor Law Group,
8 and others like it, have achieved infamy in California
9 for carrying out a similar scheme under California's
10 Unfair Business Practices statute, Bus. & Prof. Code §
11 17200 et seq. As one Court described it:

12 The abuse is a kind of legal shakedown
13 scheme: Attorneys form a front "watchdog"
14 or "consumer" organization. They scour
15 public records on the Internet for what are
16 often ridiculously minor violations of some
17 regulation or law by a small business, and
18 sue that business in the name of the front
19 organization. Since even frivolous lawsuits
20 can have economic nuisance value, the
attorneys then contact the business (often
owned by immigrants for whom English is a
second language), and point out that a
quick settlement (usually around a few
thousand dollars) would be in the
business's long-term interest.
People ex rel. Lockyer v. Brar, 115 Cal.
App. 4th 1315, 1316-17 (2004).

21 These words could apply, almost verbatim, to the
22 scheme perpetrated by Molski, DREES, and the Frankovich
23 firm. And this Court is not unmindful of the result of
24 the Trevor Law Group's abuse of the Unfair Business
25 Practices statute. In the most recent election, the
26 citizens of California overwhelmingly backed
27 Proposition 64, which greatly limited the private
28 attorney general provision of that law. It is not

1 beyond the realm of belief that the actions of Molski,
2 and those like him, pose a similar threat to the ADA.

3 Thus, this pre-filing order serves as a bulwark
4 that not only shields the Court and defendants from
5 vexatious litigation, but also protects the "purpose
6 and spirit of the ADA." It does not limit the right of
7 a legitimately aggrieved disabled individual to seek
8 legal relief under the ADA; it only prevents abuse of
9 that law by professional plaintiffs, like Molski, and
10 their lawyers, such as the Frankovich firm, whose
11 priority is their own financial gain, and not "the
12 elimination of discrimination against individuals with
13 disabilities." 42 U.S.C. § 12101(b)(1).

14 For all of these reasons, the Court finds that
15 Jarek Molski is a vexatious litigant. Before filing
16 any new litigation alleging violations of Title III of
17 the ADA in the United States District Court for the
18 Central District of California, Molski is hereby
19 ordered to file a motion for leave to file a complaint.
20 Molski must submit a copy of this order and a copy of
21 the proposed filing with every motion for leave. This
22 will allow a reviewing judge to assess whether the
23 proposed filing is made in good faith, or is simply
24 another attempt to extort a settlement.

25 **Rule 11 Sanctions**

26 Defendant has also requested sanctions under Rule
27 11. At this point, the Court has not made any formal
28 determination regarding the merits of the instant case,

1 and as such, Rule 11 sanctions would be premature. The
2 request for sanctions is therefore DENIED.

SCANNED

3
4
5 IT IS SO ORDERED.

6 IT IS FURTHER ORDERED that the Clerk of the Court shall
7 serve, by United States mail or by telefax or by email,
8 copies of this Order on counsel for the parties in this
9 matter.

10 Dated: DEC -9 2004

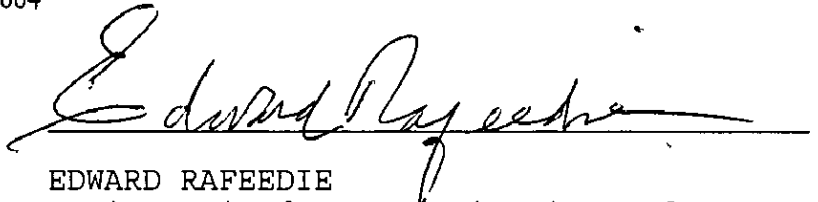
11
12 
13 EDWARD RAFEEDIE
14 Senior United States District Judge

Exhibit B

FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JAREK MOLSKI; DISABILITY RIGHTS
ENFORCEMENT EDUCATION SERVICES:
HELPING YOU HELP OTHERS, a
California public benefit
corporation,

Plaintiffs-Appellants,

v.

EVERGREEN DYNASTY CORP., d/b/a
MANDARIN TOUCH RESTAURANT;
BRIAN McINERNEY; KATHY S.
McINERNEY, as joint tenants,

Defendants-Appellees.

No. 05-56452

D.C. No.
CV-04-00450-ER

OPINION

Appeal from the United States District Court
for the Central District of California
Edward Rafeedie, District Judge, Presiding

Argued and Submitted
April 17, 2007—Pasadena, California

Filed August 31, 2007

Before: Jerome Farris and Ronald M. Gould, Circuit Judges,
and Kevin Thomas Duffy,* District Judge.

Per Curiam Opinion

*The Honorable Kevin Thomas Duffy, Senior United States District
Judge for the Southern District of New York, sitting by designation.

MOLSKI v. EVERGREEN DYNASTY CORP.

11057

COUNSEL

Thomas E. Frankovich and Jennifer L. Steneberg, Thomas E. Frankovich, A Professional Law Corporation, San Francisco, California, for plaintiff-appellant Jarek Molski and appellant Thomas E. Frankovich, A Professional Law Corporation.

Robert H. Appert, San Gabriel, California, for defendants-appellees Mandarin Touch Restaurant and Evergreen Dynasty Corporation.

Alan H. Boon and David B. Ezra, Berger Kahn, Irvine, California, for defendants-appellees Brian McInerney and Kathy McInerney.

Lizbeth V. West, Charles L. Post, and Thadd A. Blizzard, Weintraub Genshlea Chediak, Sacramento, California, for

11058

MOLSKI v. EVERGREEN DYNASTY CORP.

amici curiae California Restaurant Association, National Federation of Independent Businesses Legal Foundation, California Retailers Association, California Grocers Association, and California Farm Bureau.

OPINION

PER CURIAM:

This appeal presents two orders of the district court for our review. The first order declared Jarek Molski a vexatious litigant and ordered that Molski obtain leave of the court before filing any claims under Title III of the Americans With Disabilities Act (“ADA”) in the United States District Court for the Central District of California. The second order sanctioned the law firm representing Molski, Thomas E. Frankovich, a Professional Law Corporation (“the Frankovich Group”), by requiring it to obtain leave of the court before filing any claims under Title III of the ADA in the Central District of California. We dismiss two of the defendants-appellees from this appeal for lack of jurisdiction. As to the remaining parties, we hold that the district court acted within its sound discretion in entering the pre-filing orders against Molski and against the Frankovich Group, and we affirm the orders of the district court.

I

Molski, who is paralyzed from the chest down, needs a wheelchair to get around. He has filed about 400 lawsuits in the federal courts within the districts in California. Molski lives in Woodland Hills, California, but frequently travels. According to Molski’s amended complaint in this case, during his travels, he stopped at the Mandarin Touch Restaurant in Solvang, California on January 25, 2003. After finishing his meal, Molski decided to use the restroom. Molski was able to

pass through the narrow restroom door, but there was not enough clear space to permit him to access the toilet from his wheelchair. Molski then exited the restroom, and in the course of doing so, got his hand caught in the restroom door, “causing trauma” to his hand. Molski’s amended complaint also alleged that Mandarin Touch contained other accessibility barriers “too numerous to list.”

Asserting claims under the ADA and California law, Molski, along with co-plaintiff Disability Rights Enforcement, Education Services: Helping You Help Others (“DREES”), a non-profit corporation, sought injunctive relief, attorneys’ fees and costs, and damages. Specifically, the complaint sought “daily damages of not less than \$4,000/day . . . for each day after [Molski’s] visit until such time as the restaurant is made fully accessible” as well as punitive damages and prejudgment interest. The amended complaint named as defendants Mandarin Touch Restaurant, Evergreen Dynasty Corp., and Brian and Kathy McInerney.

Shortly after the defendants answered the complaint, Mandarin Touch and Evergreen Dynasty filed a motion for an order (1) declaring Molski a vexatious litigant; (2) requiring Molski to obtain the court’s permission before filing any more complaints under the ADA; and (3) imposing monetary sanctions against Molski and his counsel, Thomas E. Frankovich. Defendants Brian and Kathy McInerney did not join the motion. In a published order, the district court granted the motion in part, declaring Molski a vexatious litigant and granting the defendants’ request for a pre-filing order. *Molski v. Mandarin Touch Rest.*, 347 F. Supp. 2d 860, 868 (C.D. Cal. 2004) [hereinafter *Mandarin Touch I*].

In determining that Molski was a vexatious litigant, the district court applied the five factors set forth in the opinion of the United States Court of Appeals for the Second Circuit in *Safir v. United States Lines, Inc.*, 792 F.2d 19, 24 (2d Cir. 1986). Those factors are: (1) the litigant’s history of litigation

11060

MOLSKI v. EVERGREEN DYNASTY CORP.

and in particular whether it entailed vexatious, harassing, or duplicative suits; (2) the litigant's motive in pursuing the litigation, for example, whether the litigant had a good faith expectation of prevailing; (3) whether the litigant is represented by counsel; (4) whether the litigant has caused unnecessary expense to the parties or placed a needless burden on the courts; and (5) whether other sanctions would be adequate to protect the courts and other parties. *Id.*

The district court first noted that Molski had an extensive history of litigation. *Mandarin Touch I*, 347 F. Supp. 2d at 864. While acknowledging that the fact that a plaintiff has filed a large number of suits, standing alone, does not warrant a pre-filing order, the district court noted that a large volume of suits might indicate an intent to harass defendants into agreeing to cash settlements. *Id.* The district court also noted that Molski's complaints were all textually and factually similar. *Id.* While again not entirely dispositive, the district court surmised that boilerplate complaints might indicate an intent to harass defendants. *Id.*

Against this background, the district court's reasoning made clear that the most important consideration was its specific finding that the allegations in Molski's numerous and similar complaints were "contrived and not credible." *See id.* The court stressed that Molski often filed multiple complaints against separate establishments asserting that Molski had suffered identical injuries at each establishment on the same day. *Id.* at 865. The district court pointed out that Molski had filed thirteen separate complaints for essentially identical injuries allegedly sustained during one five-day period in May 2003. *Id.* In particular, Molski had alleged that, at each establishment, he injured his "upper extremities" while transferring himself to a non-ADA-compliant toilet. *See id.* at 864-65. The district court explicitly found that, in making these duplicitous injury claims, Molski had "plainly lied" in his filings to the court because the district court "simply [did] not believe that Molski suffered 13 nearly identical injuries, generally to the

same part of his body, in the course of performing the same activity, over a five-day period.” *Id.* at 865, 867.

Applying the second *Safir* factor, the district court concluded that Molski’s motivation in bringing numerous suits alleging both violations of the ADA and California state civil rights laws was to extract cash settlements from defendants. *Id.* at 866-67. Although the ADA grants private plaintiffs like Molski only the rights to seek injunctive relief, attorneys’ fees, and costs, the California state civil rights laws amplify the scope of relief available under federal law by also permitting the recovery of money damages. *Compare* 42 U.S.C. §§ 2000a-3(a), 12188(a)(1), *with* Cal. Civ. Code §§ 51(f), 52(a), 54(c), 54.3(a); *see also* *Moeller v. Taco Bell Corp.*, 220 F.R.D. 604, 606-07 (N.D. Cal. 2004) (discussing the remedies available under California law). The district court acknowledged that raising multiple claims in one suit is, in and of itself, not vexatious. *Mandarin Touch I*, 347 F. Supp. 2d at 866. However, because Molski had tried on the merits only one of his approximately 400 suits and had settled all the others, the district court concluded that Molski’s consistent approach was to use the threat of money damages under California law to extract cash settlements and move on to his next case. *Id.*

Applying the third factor from *Safir*, the district court found that Molski had been represented by counsel in every suit he filed. *Id.* The court wrote that “courts are generally protective of *pro se* litigants,” but reasoned that “this same protection does not apply to litigants represented by counsel,” and concluded that this factor also weighed in favor of issuing a pre-filing order. *Id.*

Under the fourth *Safir* factor, the district court determined that the large number of vexatious claims Molski had filed had placed an undue burden on the courts. *Id.*

Finally, applying the fifth factor from *Safir*, the district court found that the only effective way to protect the courts

11062

MOLSKI v. EVERGREEN DYNASTY CORP.

and other parties from future vexatious litigation by Molski was by entering a pre-filing order. *Id.* Accordingly, the district court held that, “[b]efore filing any new litigation alleging violations of Title III of the ADA in the United States District Court for the Central District of California, Molski [must] file a motion for leave to file a complaint.” *Id.* at 868. The court required that Molski “submit a copy of this order and a copy of the proposed filing with every motion for leave.” *Id.*

In the same order, the district court denied the motion of Evergreen Dynasty and Mandarin Touch for sanctions as premature. *Id.* Finally, the district court issued an order to show cause why it should not impose a pre-filing sanction on Molski’s attorneys, the Frankovich Group. *Id.* at 867.

About three months later, the district court issued a published memorandum decision regarding that order to show cause. *See Molski v. Mandarin Touch Rest.*, 359 F. Supp. 2d 924 (C.D. Cal. 2005) [hereinafter *Mandarin Touch II*]. The district court imposed a pre-filing order on the Frankovich Group similar to the order that it had imposed on Molski. *Id.* at 926. In its decision, the district court first observed that in 2004 the Frankovich Group filed at least 223 nearly identical lawsuits in the Northern and Central Districts of California, that the complaints all stated an ADA claim and the same four claims under California state law, that the damages requested in each case were identical and that, other than superficial alteration of the names and facts, the complaints were textually identical down to the typos. *Id.* The district court also noted that plaintiffs represented by the Frankovich Group would often file multiple complaints regarding similar or identical injuries sustained at multiple establishments on a single day. *See id.* at 926-27. The district court noted that one-third of the suits were against ethnic restaurants and commented that “such establishments are seen as easy prey for coercive claims.” *Id.* at 926.

Supplementing its findings from its decision accompanying the pre-filing order entered against Molski, the district court

found that the Frankovich Group had filed sixteen lawsuits on Molski's behalf alleging injuries sustained over a four-day period from May 20, 2003 to May 23, 2003, all alleging that Molski suffered injuries to his upper extremities as a result of transfers or negotiating barriers. *Id.* at 928. The district court also noted that, on thirty-seven occasions in 2004 alone, Molski alleged that he had been injured two or more times on the same day. *Id.* On nineteen occasions, Molski alleged that he had been injured three or more times in one day. *Id.* And, on nine occasions in 2004, Molski alleged that he suffered four or more injuries in one day. *Id.*

Additionally, the district court discussed what it characterized as an "astonishing" letter the Frankovich Group had sent to defendants in at least two cases after suing them. *See id.* at 928. The letter described itself as "friendly advice" and counseled the unrepresented defendant against hiring a lawyer. *Id.* The letter warned that a defense attorney would embark on a "billing expedition" and that the defendant's money would be best spent on settlement and remediation of the ADA violations, rather than hiring a defense attorney. *Id.* The letter also advised the defendant that its insurance policy might cover the claim. *Id.* Finally, the letter advised the defendant that it had no bona fide defense to the lawsuit. *Id.*

Relying on its inherent power to levy sanctions, the district court ordered

that The Frankovich Group, as presently constituted, and as it may hereafter be constituted, including shareholders, associates and employees, is required to file a motion requesting leave of court before filing any new complaints alleging violations of Title III of the Americans with Disabilities Act in the United States District Court for the Central District of California. Such a motion must include a copy of this order.

11064

MOLSKI v. EVERGREEN DYNASTY CORP.

Id. at 926.

As the basis for its sanction, the court first emphasized the ethics rules violations contained in the letter discussed above. *Id.* at 929. For example, the letter offered legal advice to an unrepresented party whose interests conflicted with the interests of the Frankovich Group's clients. *Id.* (citing Model Rules of Prof'l Conduct R. 4.3).

Next, the district court found that many of the claims of bodily injury in complaints filed by the Frankovich Group were "contrived." *Id.* at 930. The court found in particular that "the rate of physical injury defies common sense," noting that the plaintiffs alleged similar injuries sustained in a similar fashion at different businesses on the same day. *Id.* The court noted that the similar injuries did not excuse the existence of accessibility barriers, but that its finding that the injury claims were contrived was "merely a recognition of the fact that reasonable people, once injured, tend to take affirmative steps to avoid similar physical injuries, rather than repeat that same activity 400 times (or five times in the same day)." *Id.* at 931.

The district court also criticized the practice of the Frankovich Group of waiting one year before filing their complaints, in order to maximize the damages threatened and to intimidate the small businesses against whom the Frankovich Group frequently filed its suits. *Id.* at 932.

Finally, the district court found that the high settlement rate in cases brought by the Frankovich Group, coupled with the volume of cases filed, showed a pattern of extortion. *Id.* at 933-34.

In addition to imposing a pre-filing order on the Frankovich Group, the district court requested that the California state bar investigate the Frankovich Group's practices and consider disciplinary action. *Id.* In the same order, the district court

dismissed the plaintiffs' state law claims, declining to exercise supplemental jurisdiction over them. *Id.* at 937.

On August 31, 2005, the district court, in a third published order, granted the defendants summary judgment on Molski's ADA claim for lack of standing. *Molski v. Mandarin Touch Rest.*, 385 F. Supp. 2d 1042, 1044 (C.D. Cal. 2005). Because Molski's ADA claim was the final claim remaining in the case, the district court also entered an order dismissing with prejudice the plaintiffs' case in its entirety. *Id.* at 1048. (The district court had already dismissed DREES's ADA claim for lack of standing in an unpublished order filed on February 9, 2005.)

On September 13, 2005, Molski and DREES filed their notice of appeal. The notice provided that the plaintiffs were appealing four rulings of the district court: (1) the December 2004 order declaring Molski a vexatious litigant; (2) the February 2005 order dismissing DREES's ADA claim for lack of standing; (3) the March 2005 order sanctioning the Frankovich Group;¹ and (4) the August 2005 order granting the defendants summary judgment on Molski's ADA claim for lack of standing and dismissing the case.

II

We first address whether the appeal of the pre-filing orders

¹In the notice of appeal and in their brief to this court, the Frankovich Group characterizes the order entered against it as an order declaring it a "vexatious litigant." The Frankovich Group characterizes the order in this fashion likely because we have held that "an attorney appearing on behalf of a client cannot be sanctioned as a vexatious litigant; by definition, he or she is acting as an attorney and not as a litigant." *Weissman v. Quail Lodge, Inc.*, 179 F.3d 1194, 1197 (9th Cir. 1999). However, the district court's order is an order imposing sanctions. In its order, the district court repeatedly refers to its inherent power to levy sanctions against attorneys who abuse the litigation process. *See Mandarin Touch II*, 359 F. Supp. 2d at 928-29.

11066

MOLSKI v. EVERGREEN DYNASTY CORP.

is timely. 28 U.S.C. § 2107(a) and Federal Rule of Appellate Procedure 4(a)(1)(A) provide that the notice of appeal in a civil case must be filed with the district court clerk within thirty days after the judgment or order appealed from is entered. If a party does not file a notice of appeal within the prescribed time limits, we have no jurisdiction to hear the case. *Bowles v. Russell*, 127 S. Ct. 2360, 2363-64 (2007).

Under 28 U.S.C. § 1291, parties may appeal to this court only “final decisions” of the district courts. A final decision is one that “ends the litigation on the merits and leaves nothing for the court to do but execute the judgment.” *Cunningham v. Hamilton County*, 527 U.S. 198, 204 (1999) (internal quotation marks omitted); *Catlin v. United States*, 324 U.S. 229, 233 (1945). Neither party disputes that the August 31, 2005 order dismissing the case was an appealable final decision. However, the McInerneys argue that the December 2004 pre-filing order entered against Molski and the March 2005 pre-filing order entered against the Frankovich Group were also final decisions and therefore immediately appealable. They maintain we must dismiss the appeal because the notice of appeal, filed on September 13, 2005, was filed more than thirty days after the entry of the pre-filing orders. Conversely, Molski and the Frankovich Group argue that the only final decision in this case is the district court’s August 31, 2005 order dismissing the plaintiffs’ case in its entirety and that, because they filed a notice of appeal within thirty days of the entry of that order, their appeal is timely.

[1] The appeal of the Frankovich Group is timely under the Supreme Court’s decision in *Cunningham* and our subsequent decision in *Stanley v. Woodford*, 449 F.3d 1060 (9th Cir. 2006). In *Cunningham*, the Supreme Court held that an order imposing sanctions on an attorney pursuant to Federal Rule of Civil Procedure 37(a)(4) was not an immediately-appealable “final decision.” 527 U.S. at 200. In *Stanley*, we extended *Cunningham* and held that we do not have jurisdiction to entertain interlocutory appeals of district court orders sanc-

tioning attorneys pursuant to the district court's inherent power to levy sanctions.² *Stanley*, 449 F.3d at 1065. In this case, the district court entered the pre-filing order against the Frankovich Group under its inherent sanctioning power. *Mandarin Touch II*, 359 F. Supp. 2d at 928. Because the Frankovich Group could not immediately appeal the pre-filing order entered against it, and because it filed its notice of appeal within thirty days of the district court's August 31, 2005 order dismissing the entire case, its appeal is timely.

[2] Molski's appeal is also timely. As a general matter, a district court order imposing sanctions on a party is not appealable before the entry of a final judgment. *See Riverhead Sav. Bank v. Nat'l Mortg. Equity Corp.*, 893 F.2d 1109, 1113 (9th Cir. 1990); *Johnny Pflocks, Inc. v. Firestone Tire & Rubber Co.*, 634 F.2d 1215, 1216 (9th Cir. 1980). However, we have not previously and specifically addressed whether pre-filing orders entered against vexatious litigants are immediately-appealable final decisions. As far as we can tell, no other circuit has considered this question either. We begin with the general presumption that "an appeal ordinarily will not lie until after final judgment has been entered in a case." *Cunningham*, 527 U.S. at 203. For vexatious litigant orders to be appealable immediately, then, those orders would have to fall within the small category of decisions in which appeal is grounded on the collateral order doctrine which permits immediate appeal of orders that are conclusive and that cannot be effectively reviewed on the appeal of the final judgment. *Swint v. Chambers County Comm'n*, 514 U.S. 35, 42 (1995).

²Prior to *Cunningham*, we had permitted interlocutory appeals of sanctions orders entered against attorneys. *See, e.g., Telluride Mgmt. Solutions, Inc. v. Telluride Inv. Group*, 55 F.3d 463, 465 (9th Cir. 1995); *Reygo Pac. Corp. v. Johnston Pump Co.*, 680 F.2d 647, 648 (9th Cir. 1982); *see also Stanley*, 449 F.3d at 1063 (noting that "*Cunningham* effectively overruled earlier Ninth Circuit decisions allowing immediate appeal by attorneys from orders imposing sanctions").

11068

MOLSKI v. EVERGREEN DYNASTY CORP.

[3] As we see it, pre-filing orders entered against vexatious litigants are not conclusive and can be reviewed and corrected (if necessary) after final judgment. Though during the pendency of the appeal, the order might delay or prohibit a litigant from filing claims without leave of court, we have the authority to vacate the order entirely if we conclude the order was unjustified on the merits. *Johnny Pflocks*, 634 F.2d at 1216. Moreover, allowing immediate appeals of pre-filing orders would permit piecemeal appeals and result in a costly succession of appeals from the district court's rulings before entry of final judgment. *Firestone Tire & Rubber Co. v. Risjord*, 449 U.S. 368, 374 (1981). We see no good reason to part ways from our case law holding that sanctions orders entered against a party are not immediately appealable, and we hold that pre-filing orders entered against vexatious litigants are also not immediately appealable. Because Molski filed his notice of appeal within thirty days of the district court's August 31, 2005 order dismissing the plaintiffs' entire case, Molski's appeal is timely.

III

[4] Before we address the merits of the pre-filing orders, we must address a second jurisdictional issue. Brian and Kathy McInerney ask us to dismiss them from this appeal because they were not parties to the motion that led to the pre-filing orders entered against Molski and the Frankovich Group. Because Article III limits our jurisdiction to "cases" and "controversies," we dismiss appeals as moot when "the parties lack a cognizable interest in the outcome of the suit." *H.C. v. Koppel*, 203 F.3d 610, 612 (9th Cir. 2000); see *City of Erie v. Pap's A.M.*, 529 U.S. 277, 287 (2000); *Powell v. McCormack*, 395 U.S. 486, 496 (1969). As noted above, the plaintiffs initially appealed four rulings of the district court: the two pre-filing orders and the two orders dismissing Molski and DREES's claims for lack of standing. However, in their briefs, Molski and the Frankovich Group limit their

arguments to the two pre-filing orders entered against them.³ The McInerneys were not a party to the motion that led to the pre-filing orders that now form the sole basis of the appeal in this case. *See Mandarin Touch I*, 347 F. Supp. 2d at 861. The McInerneys thus have no cognizable interest in whether we affirm or vacate the pre-filing orders, and there is no justiciable dispute between the McInerneys and Molski and the Frankovich Group. We dismiss Brian and Kathy McInerney from this appeal for lack of jurisdiction.

IV

We next address whether the district court erred in declaring Molski a vexatious litigant and in entering a pre-filing order against him. Two district courts in our circuit disagree about whether Molski's frequent litigation is vexatious. In this case, the Central District of California deemed Molski a vexatious litigant. *See Mandarin Touch I*, 347 F. Supp. 2d at 868. However, the Northern District of California has denied a motion to declare Molski a vexatious litigant in that district. *See Molski v. Rapazzini Winery*, 400 F. Supp. 2d 1208, 1212 (N.D. Cal. 2005). We review a pre-filing order entered against a vexatious litigant for abuse of discretion. *De Long v. Hennessy*, 912 F.2d 1144, 1146 (9th Cir. 1990). A district court abuses its discretion when it bases its decision on an incorrect view of the law or a clearly erroneous finding of fact. *United States v. Finley*, 301 F.3d 1000, 1007 (9th Cir. 2002); *Does 1-5 v. Chandler*, 83 F.3d 1150, 1152 (9th Cir. 1996).

The All Writs Act, 28 U.S.C. § 1651(a), provides district

³In their reply brief, Molski and the Frankovich Group state:

Since the filing of their Notice of Appeal, appellants have narrowed the issues for appeal, and through their opening brief seek this Court's review of two of the lower court's orders—the order deeming appellant Jarek Molski a vexatious litigant and the order imposing a pre-filing petition sanction on appellant Thomas E. Frankovich, A Professional Law Corporation.

11070

MOLSKI v. EVERGREEN DYNASTY CORP.

courts with the inherent power to enter pre-filing orders against vexatious litigants. *Weissman v. Quail Lodge Inc.*, 179 F.3d 1194, 1197 (9th Cir. 1999). However, such pre-filing orders are an extreme remedy that should rarely be used. *De Long*, 912 F.2d at 1147. Courts should not enter pre-filing orders with undue haste because such sanctions can tread on a litigant's due process right of access to the courts. *Cromer v. Kraft Foods N. Am., Inc.*, 390 F.3d 812, 817 (4th Cir. 2004); *Moy v. United States*, 906 F.2d 467, 470 (9th Cir. 1990); see also *Logan v. Zimmerman Brush Co.*, 455 U.S. 422, 429 (1982) (noting that the Supreme Court "traditionally has held that the Due Process Clauses protect civil litigants who seek recourse in the courts, either as defendants hoping to protect their property or as plaintiffs attempting to redress grievances"); 5A Charles Alan Wright & Arthur R. Miller, *Federal Practice and Procedure* § 1336.3, at 698 (3d ed. 2004). A court should enter a pre-filing order constraining a litigant's scope of actions in future cases only after a cautious review of the pertinent circumstances.

Nevertheless, "[f]lagrant abuse of the judicial process cannot be tolerated because it enables one person to preempt the use of judicial time that properly could be used to consider the meritorious claims of other litigants." *De Long*, 912 F.2d at 1148; see *O'Loughlin v. Doe*, 920 F.2d 614, 618 (9th Cir. 1990). Thus, in *De Long*, we outlined four factors for district courts to examine before entering pre-filing orders. First, the litigant must be given notice and a chance to be heard before the order is entered. *De Long*, 912 F.2d at 1147. Second, the district court must compile "an adequate record for review." *Id.* at 1148. Third, the district court must make substantive findings about the frivolous or harassing nature of the plaintiff's litigation. *Id.* Finally, the vexatious litigant order "must be narrowly tailored to closely fit the specific vice encountered." *Id.*

The district court in this case did not apply the factors we outlined in *De Long*. Instead, the district court looked to Sec-

ond Circuit case law for guidance, applying that circuit's vexatious litigant standard as outlined in *Safir*. See *Mandarin Touch I*, 347 F. Supp. 2d at 863-64. Molski argues that the district court erred by structuring its analysis around the *Safir* factors rather than the factors we have identified.

[5] One district court in our circuit has correctly observed that the *Safir* factors "have never been adopted by the Ninth Circuit." *Doran v. Vicorp Rests., Inc.*, 407 F. Supp. 2d 1115, 1117 n.3 (C.D. Cal. 2005); see also *Wilson v. Pier 1 Imports (US), Inc.*, 411 F. Supp. 2d 1196, 1198 (E.D. Cal. 2006) (noting that the Ninth Circuit has developed a vexatious litigant standard separate from *Safir*). However, the Second Circuit's standard is not irreconcilable with our standard, but rather can be viewed as a tool for analyzing some of the factors we set forth in *De Long*, insofar as *Safir* and *De Long* in substance cover much of the same ground. As we noted above, we held in *De Long* that district courts considering imposing a pre-filing order on a vexatious litigant should consider four factors. The first two requirements, (1) notice and an opportunity to be heard and (2) the creation of an adequate record, are procedural considerations—that is, the factors define "[a] specific method or course of action" that district courts should use to assess whether to declare a party a vexatious litigant and enter a pre-filing order. *Black's Law Dictionary* 1241 (8th ed. 2004). The latter two factors, requiring (3) findings of frivolousness or harassment and (4) that the order be narrowly tailored to prevent the litigant's abusive behavior, are substantive considerations—that is, the factors help the district court define who is, in fact, a "vexatious litigant" and construct a remedy that will stop the litigant's abusive behavior while not unduly infringing the litigant's right to access the courts.

The Second Circuit, by contrast, has instructed district courts, in determining whether to enter a pre-filing order, to look at five factors:

- (1) the litigant's history of litigation and in particular whether it entailed vexatious, harassing or duplica-

tive lawsuits; (2) the litigant's motive in pursuing the litigation, e.g., does the litigant have an objective good faith expectation of prevailing?; (3) whether the litigant is represented by counsel; (4) whether the litigant has caused needless expense to other parties or has posed an unnecessary burden on the courts and their personnel; and (5) whether other sanctions would be adequate to protect the courts and other parties.

Safir, 792 F.2d at 24. These five factors are substantive in that they all address whether a party is a vexatious litigant and whether a pre-filing order will stop the vexatious litigation or if other sanctions are adequate. The Second Circuit has held that district courts should use the five *Safir* factors to answer the ultimate substantive issue in resolving a motion for a pre-filing order: "whether a litigant who has a history of vexatious litigation is likely to continue to abuse the judicial process and harass other parties." *Id.*; see also *Cromer*, 390 F.3d at 818 (using the *Safir* factors to "determin[e] whether a prefiling injunction is substantively warranted").

[6] Thus, the Second Circuit's five-factor standard provides a helpful framework for applying the two substantive factors (factors three and four) of our own four-factor standard. See *Rapazzini Winery*, 400 F. Supp. 2d at 1210 ("The *Safir* test[']s examination of history of litigation, motive, and needless burden [is] useful in determining whether the current filings are frivolous and the question of whether other sanctions are adequate [is] similar to the Ninth Circuit's requirement that any pre-filing order be narrowly tailored."). While we structure our analysis here around the four factors we outlined in *De Long*, it was not reversible error for the district court to structure its analysis around the similar factors identified by the Second Circuit.⁴

⁴Because the facts underlying the district court's imposition of the pre-filing order on Molski are undisputed, we could decide the merits of this appeal even if the district court had applied an incorrect legal standard. See *Pullman-Standard v. Swint*, 456 U.S. 273, 292 (1982); *Kelley v. S. Pac. Co.*, 419 U.S. 318, 331-332 (1974).

[7] The first factor under *De Long* is whether Molski was given notice and an opportunity to be heard before the district court entered the pre-filing order. This is a core requirement of due process. *De Long*, 912 F.2d at 1147. In this case, Molski had fair notice of the possibility that he might be declared a vexatious litigant and have a pre-filing order entered against him because the district court's order was prompted by a motion filed by the defendants and served on Molski's counsel. Also, Molski had the opportunity to oppose the motion, both in writing and at a hearing. *Cf. Pac. Harbor Capital, Inc. v. Carnival Air Lines, Inc.*, 210 F.3d 1112, 1118 (9th Cir. 2000) (holding, in a case involving sanctions levied against an attorney, that "an opportunity to be heard does not require an oral or evidentiary hearing on the issue," but instead that "[t]he opportunity to brief the issue fully satisfies due process requirements").

[8] The second factor of the *De Long* standard is whether the district court created an adequate record for review. "An adequate record for review should include a listing of all the cases and motions that led the district court to conclude that a vexatious litigant order was needed." *De Long*, 912 F.2d at 1147. The record before the district court contained a complete list of the cases filed by Molski in the Central District of California, along with the complaints from many of those cases. Although the district court's decision entering the pre-filing order did not list every case filed by Molski, it did outline and discuss many of them. *See Mandarin Touch I*, 347 F. Supp. 2d at 864-65. The district court supplemented its findings in *Mandarin Touch I* with a further discussion of Molski's litigation history in *Mandarin Touch II*. *See Mandarin Touch II*, 359 F. Supp. 2d at 927-28. The district court compiled a record adequate for review of its order.

The third factor set forth by *De Long* gets to the heart of the vexatious litigant analysis, inquiring whether the district court made "substantive findings as to the frivolous or harassing nature of the litigant's actions." *De Long*, 912

11074

MOLSKI v. EVERGREEN DYNASTY CORP.

F.2d at 1148 (quoting *In re Powell*, 851 F.2d 427, 431 (D.C. Cir. 1988)). To decide whether the litigant's actions are frivolous or harassing, the district court must "look at 'both the number and content of the filings as indicia' of the frivolousness of the litigant's claims." *Id.* (quoting *Powell*, 851 F.2d at 431). "An injunction cannot issue merely upon a showing of litigiousness. The plaintiff's claims must not only be numerous, but also be patently without merit." *Moy*, 906 F.2d at 470.

[9] Molski concedes that he has filed numerous claims. However, Molski contends that his suits were not vexatious because they had merit. As the district court observed, it is likely that many of the businesses Molski sued were not in compliance with the ADA. *Mandarin Touch I*, 347 F. Supp. 2d at 865. However, while Molski's complaints may have stated a legitimate claim for relief, it was not clearly erroneous for the district court to find that the claims of injury contained in those complaints were patently without merit. Because many of the violations Molski challenged were similar, it would have been reasonable for Molski's complaints to contain similar allegations of barriers to entry, inadequate signage, and so on. However, it is very unlikely that Molski suffered the same injuries, often multiple times in one day, performing the same activities—transferring himself from his wheelchair to the toilet or negotiating accessibility obstacles. Common sense dictates that Molski would have figured out some way to avoid repetitive injury-causing activity; even a young child who touches a hot stove quickly learns to avoid pain by not repeating the conduct. The district court's conclusion that Molski "plainly lied" in making his injury allegations was not clearly erroneous.

[10] In light of the district court's finding that Molski did not suffer the injuries he claimed, it was not clearly erroneous for the district court to conclude that the large number of complaints filed by Molski containing false or exaggerated allegations of injury were vexatious.

[11] The district court's determination that Molski harassed defendants into cash settlements was justified by its findings regarding Molski's litigation strategy. California law provides that a plaintiff who suffers discrimination based on his or her disability may recover up to three times the amount of actual damages for each offense, and that, at a minimum, the plaintiff must recover damages of not less than \$4000. Cal. Civ. Code § 52(a). Thus, Molski usually sought damages of not less than \$4000 for each day that a facility did not comply with the ADA. Because Molski would often wait to file suit until a full year elapsed since his visit to the defendants' establishments, defendants often faced claims for statutory damages of over one million dollars. While Molski's claim for daily damages might have been legally justified,⁵ it was not clearly erroneous for the district court to find that Molski's litigation strategy evidenced an intent to harass businesses into cash settlements.⁶

⁵District courts in our circuit disagree about whether a plaintiff may seek daily damages under California Civil Code sections 52(a) and 54.3(a). Compare *Rapazzini Winery*, 400 F. Supp. 2d at 1211 (holding that daily damages are not available under section 52(a)), and *Doran v. Embassy Suites Hotel*, No. C-02-1961, 2002 WL 1968166, at *6 (N.D. Cal. Aug. 26, 2002) (holding that daily damages are not available under either section 52(a) or 54.3(a)), with *Botosan v. Fitzhugh*, 13 F. Supp. 2d 1047, 1051-52 (S.D. Cal. 1998) (holding that an allegation that a plaintiff "is being subjected to a discrimination" meant that the plaintiff had been deterred from visiting a public accommodation on a daily basis, and supported a claim for daily damages under sections 52(a) and 54.3(a)); see also *Arnold v. United Artists Theatre Circuit, Inc.*, 866 F. Supp. 433, 439 (N.D. Cal. 1994) (suggesting that a plaintiff can claim damages under sections 52(a) and 54.3(a) for each particular occasion of deterrence). We could not find any California court that has spoken on this issue.

⁶We note that there was a substantial disconnect between the magnitude of injuries Molski suffered and the amount of damages he sought to recover. For example, in this case, in a declaration submitted to the district court, Molski admitted that the injury he suffered at Mandarin Touch—scraping his hand on the door frame—was "not a big injury." Nonetheless, Molski claimed damages of "not less than \$4,000" for each of the 363 days that elapsed between when he visited Mandarin Touch on January 25,

11076

MOLSKI v. EVERGREEN DYNASTY CORP.

[12] The district court also did not err when it inferred an intent to harass defendants into settlement from the fact that Molski had tried on the merits only one of his roughly 400 ADA cases and the fact that Molski and the Frankovich Group targeted ethnic restaurants viewed as easy prey for coercive claims.

Frivolous litigation is not limited to cases in which a legal claim is entirely without merit. It is also frivolous for a claimant who has some measure of a legitimate claim to make false factual assertions. Just as bringing a completely baseless claim is frivolous, so too a person with a measured legitimate claim may cross the line into frivolous litigation by asserting facts that are grossly exaggerated or totally false. In an adversary system, we do not fault counsel or client for putting their

2003, and when he filed his complaint on January 23, 2004. Molski thus made a damage claim of no less than \$1,452,000 on the day he filed his complaint, with that amount growing by the day. Even if Molski could claim statutory minimum damages in an amount far greater than any actual injury he suffered, *see Continental Cablevision, Inc. v. Poll*, 124 F.3d 1044, 1049 (9th Cir. 1997) (suggesting that statutory damages do not require proof of injury); *Six (6) Mexican Workers v. Ariz. Citrus Growers*, 904 F.2d 1301, 1306 (9th Cir. 1990) (same), Molski's claims of damages far in excess of the injuries he suffered are not entirely irrelevant to determining whether his litigation was vexatious.

By seeking damages of *not less than* \$4000 per day, Molski would claim actual damages beyond those to which he was arguably entitled under the California statutes. *See* Cal. Civ. Code §§ 52(a), 54.3(a) (permitting the recovery of actual damages). Also, there existed a possibility that the district court would reject the notion that Molski could recover daily damages, *see supra* note 5, and that Molski would be forced to seek, for the most part, actual damages. Additionally, Molski's complaints usually sought punitive damages. In all of those situations, to recover actual or punitive damages, Molski would need to prove a corresponding injury. *Cf. Continental Cablevision, Inc.*, 124 F.3d at 1049; *Six (6) Mexican Workers*, 904 F.2d at 1306. Because he claimed damages far in excess of his actual injuries, his exaggerated claims of damages support a pre-filing order to the extent that he sought to recover more than the statutory minimum of damages.

best arguments forward, and it is likely the unusual case in which a finding of frivolous litigation follows in the train of a legitimate legal claim. It is a question of degree where the line falls between aggressive advocacy of legitimate claims and the frivolous assertion of false allegations. In this case, the district court, looking at the allegations of hundreds of lawsuits, made a decision that Molski's baseless and exaggerated claims of injuries exceeded any legitimacy and were made for the purpose of coercing settlement. We cannot on this record conclude that the district court's factual determinations were clearly erroneous or that the district court erroneously reached the legal conclusion that Molski's litigation was vexatious.

[13] The fourth and final factor in the *De Long* standard is that the pre-filing order must be narrowly tailored to the vexatious litigant's wrongful behavior. In *De Long*, we held overbroad an order preventing the plaintiff from filing any suit in a particular district court. *De Long*, 912 F.2d at 1148. Likewise, in *O'Loughlin*, we held that an order requiring a plaintiff to show good cause before making any request to proceed in forma pauperis was not narrowly tailored. *O'Loughlin*, 920 F.2d at 618. Also, in *Moy* we held that an order requiring a plaintiff to obtain leave of court to file any suit was overly broad when the plaintiff had only been highly litigious with one group of defendants. *Moy*, 906 F.2d at 470. Here, by contrast, the district court's order is much narrower—it only prevents Molski from filing actions under Title III of the ADA in the Central District of California. The order thus appropriately covers only the type of claims Molski had been filing vexatiously—ADA claims. *Cf. Cromer*, 390 F.3d at 818-19 (vacating a pre-filing order that prevented the plaintiff from making “any and all filings” in the present case and also enjoined him from making any future filings in any unrelated case in the district court without obtaining permission from the magistrate judge who issued the order); *In re Packer Ave. Assocs.*, 884 F.2d 745, 748 (3d Cir. 1989) (vacating as not narrowly tailored a pre-filing order “prohibiting a litigant

11078

MOLSKI v. EVERGREEN DYNASTY CORP.

from ever again filing a document in federal court”). The order also does not prevent Molski from filing any ADA complaints, it merely subjects Molski’s complaints to an initial screening review by a district judge. The order is narrowly tailored because it will not deny Molski access to courts on any ADA claim that is not frivolous, yet it adds a valuable layer of protection, which we think was warranted, for the courts and those targeted by Molski’s claims. *See Franklin v. Murphy*, 745 F.2d 1221, 1232 (9th Cir. 1984).

In summary, we reemphasize that the simple fact that a plaintiff has filed a large number of complaints, standing alone, is not a basis for designating a litigant as “vexatious.” *De Long*, 912 F.2d at 1147; *In re Oliver*, 682 F.2d 443, 446 (3d Cir. 1982). We also emphasize that the textual and factual similarity of a plaintiff’s complaints, standing alone, is not a basis for finding a party to be a vexatious litigant. Accessibility barriers can be, and often are, similar in different places of public accommodation, and there is nothing inherently vexatious about using prior complaints as a template. *See Wilson*, 411 F. Supp. 2d at 1196 (stating that uniform instances of misconduct can justify uniform pleadings).

As we discussed above, the ADA does not permit private plaintiffs to seek damages, and limits the relief they may seek to injunctions and attorneys’ fees. We recognize that the unavailability of damages reduces or removes the incentive for most disabled persons who are injured by inaccessible places of public accommodation to bring suit under the ADA. *See Samuel R. Bagenstos, The Perversity of Limited Civil Rights Remedies: The Case of “Abusive” ADA Litigation*, 54 U.C.L.A. L. Rev. 1, 5 (2006). As a result, most ADA suits are brought by a small number of private plaintiffs who view themselves as champions of the disabled. District courts should not condemn such serial litigation as vexatious as a matter of course. *See De Long*, 912 F.2d at 1148 n.3. For the ADA to yield its promise of equal access for the disabled, it may indeed be necessary and desirable for committed individ-

uals to bring serial litigation advancing the time when public accommodations will be compliant with the ADA. But as important as this goal is to disabled individuals and to the public, serial litigation can become vexatious when, as here, a large number of nearly-identical complaints contain factual allegations that are contrived, exaggerated, and defy common sense. False or grossly exaggerated claims of injury, especially when made with the intent to coerce settlement, are at odds with our system of justice, and Molski's history of litigation warrants the need for a pre-filing review of his claims.

[14] We acknowledge that Molski's numerous suits were probably meritorious in part—many of the establishments he sued were likely not in compliance with the ADA. On the other hand, the district court had ample basis to conclude that Molski trumped up his claims of injury. The district court could permissibly conclude that Molski used these lawsuits and their false and exaggerated allegations as a harassing device to extract cash settlements from the targeted defendants because of their noncompliance with the ADA. In light of these conflicting considerations and the relevant standard of review, we cannot say that the district court abused its discretion in declaring Molski a vexatious litigant and in imposing a pre-filing order against him.

V

The final issue in this case is whether the district court erred in imposing a pre-filing order against the Frankovich Group. We review the district court's imposition of sanctions against an attorney for abuse of discretion. *Weissman*, 179 F.3d at 1197; *Yagman v. Republic Ins.*, 987 F.2d 622, 628 (9th Cir. 1993). "A district court abuses its discretion in imposing sanctions when it bases its decision 'on an erroneous view of the law or on a clearly erroneous assessment of the evidence.'" *Mark Indus., Ltd. v. Sea Captain's Choice, Inc.*, 50 F.3d 730, 732 (9th Cir. 1995) (quoting *Cooter & Gell v. Hartmarx Corp.*, 496 U.S. 384, 405 (1990)).

11080

MOLSKI v. EVERGREEN DYNASTY CORP.

The district court in this case sanctioned the Frankovich Group with a pre-filing order pursuant to its inherent power to regulate abusive or bad-faith litigation. *Mandarin Touch II*, 359 F. Supp. 2d at 928; *see Chambers v. NASCO, Inc.*, 501 U.S. 32, 43-44 (1991); *Link v. Wabash R.R. Co.*, 370 U.S. 626, 632 (1962). “This inherent power derives from the lawyer’s role as an officer of the court which granted admission.” *In re Snyder*, 472 U.S. 634, 643 (1985) (citations omitted). The Supreme Court has cautioned that, because of the potency of attorney sanction orders, courts must exercise their inherent sanctioning authority with restraint and sound discretion. *Chambers*, 501 U.S. at 45; *Roadway Express, Inc. v. Piper*, 447 U.S. 752, 764 (1980).

As a procedural matter, before imposing sanctions on an attorney, the district court must afford the attorney notice and an opportunity to be heard. *Weissman*, 179 F.3d at 1198. As a substantive matter, justifications for imposing a pre-filing sanction on an attorney “include the attorney’s willful abuse of the judicial process, bad faith conduct during litigation, or filing frivolous papers.” *Id.* (citations and internal quotation marks omitted). Violations of ethics rules can also serve as a ground for imposing sanctions. *See, e.g., Gomez v. Vernon*, 255 F.3d 1118, 1134 (9th Cir. 2001); *Erickson v. Newmar Corp.*, 87 F.3d 298, 303 (9th Cir. 1996); *see also* C.D. Cal. Local R. 83-3.1.2 (providing that attorneys practicing in the district court must comply with the Rules of Professional Conduct of the State Bar of California, that any violation of those rules “may be the basis for the imposition of discipline,” and that the Model Rules of Professional Conduct of the American Bar Association may also be considered as guidance when disciplining attorneys). Additionally, the sanction imposed must be tailored to curtail the attorney’s particular misconduct. *Chambers*, 501 U.S. at 57; *Support Sys. Int’l, Inc. v. Mack*, 45 F.3d 185, 186 (7th Cir. 1995) (per curiam); *Orlett v. Cincinnati Microwave, Inc.*, 954 F.2d 414, 420 (6th Cir. 1992).

In this case, the district court afforded the Frankovich Group notice and an opportunity to be heard before imposing its sanction. On December 10, 2004, the district court issued an order to show cause why the court should not impose a pre-filing order on the Frankovich Group for its role in facilitating Molski's litigation. *Mandarin Touch I*, 347 F. Supp. 2d at 867. The Frankovich Group responded to the order in writing, and on February 7, 2005, the district court conducted a hearing on the order. These proceedings provided the Frankovich Group the notice and opportunity to be heard that due process requires. *See Pac. Harbor Capital*, 210 F.3d at 1118; *Weissman*, 179 F.3d at 1198.

The district court also did not abuse its discretion in making the substantive determination that a pre-filing order was justified based on the conduct of the Frankovich Group. As discussed above, Molski's complaints repeatedly alleged injuries that the district court found to be contrived and untrue. Also, the claims of injuries often were inconsistent with the barriers alleged. For example, complaints filed by the Frankovich Group would allege bodily injury suffered as a result of inadequate signage or the lack of an accessible parking space.

[15] In light of the similarity and exaggerated nature of the frequent injuries Molski alleged, we concluded above that the district court's findings regarding the lack of veracity in Molski's complaints were not clearly erroneous and that the district court was within its discretion in imposing a pre-filing order on Molski. When a client stumbles so far off the trail, we naturally should wonder whether the attorney for the client gave inadequate or improper advice. That the Frankovich Group filed numerous complaints containing false factual allegations, thereby enabling Molski's vexatious litigation, provided the district court with sufficient grounds on which to base its discretionary imposition of sanctions. *Weissman*, 179 F.3d at 1198.

The district court also emphasized that the letter that the Frankovich Group sent to the defendants in at least two cases

11082

MOLSKI v. EVERGREEN DYNASTY CORP.

may have violated multiple ethics rules. While we do not rely on the possible ethical violations as a ground for affirming the sanction imposed on the Frankovich Group, we note that Frankovich Group's decision to send letters that many might view as intimidating to unrepresented defendants was, at best, a questionable exercise of professional judgment. The letters gave legal advice to unrepresented parties whose interests conflicted with the interests of the Frankovich Group, and this advice quite possibly ran afoul of relevant ethical rules. *See* Model Rules of Prof'l Conduct R. 4.3 ("The lawyer shall not give legal advice to an unrepresented person, other than the advice to secure counsel, if the lawyer knows or reasonably should know that the interests of such a person are or have a reasonable possibility of being in conflict with the interests of the client."); Model Code of Prof'l Responsibility DR 7-104(A)(2) (providing that "a lawyer shall not . . . [g]ive advice to a person who is not represented by a lawyer, other than the advice to secure counsel, if the interests of such person are or have a reasonable possibility of being in conflict with the interests of his client").

Additionally, the letters advised the defendant that it had no bona fide defense to the ADA action, when in fact this might not be true in a particular case. For example, the ADA requires the removal of barriers in certain structures only when "such removal is readily achievable." 42 U.S.C. § 12182(b)(2)(A)(iv). This possibly false statement of law may have violated ethics provisions regarding a lawyer's candor to third parties. *See* Model Rules of Prof'l Conduct R. 4.1(a) (providing that "[i]n the course of representing a client a lawyer shall not knowingly . . . make a false statement of material fact or law to a third person"); Model Code of Prof'l Responsibility DR 7-102(A)(5).

The advice that the defendant might have insurance covering the alleged ADA violation might also have violated Model Rule 4.1(a) and Disciplinary Rule 7-102(A)(5) because California courts have held that an insurance company has no

contractual duty to defend in an ADA suit alleging that a defendant's facilities were inaccessible. *See Modern Dev. Co. v. Navigators Ins. Co.*, 111 Cal. App. 4th 932, 943 (2002). But because the district court was within its discretion in sanctioning the Frankovich Group based on the questionable allegations of physical injury in the complaints they filed, we need not rely on the possible ethics rules violations as a ground for affirming the district court's sanction.⁷

[16] Finally, we hold that the district court's pre-filing sanction is sufficiently tailored to combat the Frankovich Group's practice of repetitive litigation based on false allegations of injury. The sanction requires the Frankovich Group to seek leave of the court before filing any more ADA complaints in the Central District of California, and requires that the district court's order in this case accompany the Frankovich Group's motion for leave. Functionally, the sanction ensures that a judge will initially determine whether the factual allegations in future complaints are colorable. The order will protect against the extracting of possibly unjustified settlements from uncounseled small-business defendants intimidated by the spectre of a federal complaint coupled with a coercive and misleading communication from a law firm. However, the order does not make it impossible for the Frankovich Group to pursue meritorious ADA litigation in the district court. *See Franklin*, 745 F.2d at 1232. Moreover, as far as the evidence before the district court showed, the Frankovich Group only used abusive litigation tactics in connection with litigation under the ADA. The pre-filing order rightly applies only to complaints asserting claims for relief

⁷Because we do not need to rely on the possibility of ethical rule violations to sustain the district court's pre-filing order against the Frankovich Group, and we decline to do so, we also do not make an ultimate determination whether or not any ethical rule violations occurred. As a general matter, decisions on whether lawyers have violated their ethical obligations are best made in the context of formal bar association proceedings where procedural due process protects the lawyer's rights while assessing any harm to the public.

11084

MOLSKI v. EVERGREEN DYNASTY CORP.

under the ADA. *See De Long*, 912 F.2d 1148; *O'Loughlin*, 920 F.2d at 618. For these reasons, we hold that the pre-filing order imposed in this case is adequately tailored to punish the past sanctionable conduct of the Frankovich Group, and, more importantly, to protect the courts and the public from any future misconduct by that law firm.⁸ Lawyers are required to give their clients' interests zealous advocacy, and while the pre-filing order in this case will not stand in the way of advocacy for legitimate claims, it will help to ensure that the services of the Frankovich Group are used in support of valid claims and not as a device to encourage settlement of unwarranted or exaggerated claims. We affirm the district court's order imposing sanctions on the Frankovich Group.

VI

In summary, we dismiss defendants Brian and Kathy McInerney from this appeal for lack of jurisdiction. We affirm the district court's order declaring Molski a vexatious litigant and requiring him to obtain leave of the court before filing another ADA complaint in the Central District of California. We also affirm the district court's order sanctioning the Frankovich Group and imposing a similar pre-filing order on it. Costs are awarded to the appellees.

AFFIRMED IN PART, DISMISSED IN PART.

⁸District courts have broad discretion in fashioning sanctions. *Leon v. IDX Sys. Corp.*, 464 F.3d 951, 961 (9th Cir. 2006); *Ritchie v. United States*, 451 F.3d 1019, 1026 (9th Cir. 2006); *Falstaff Brewing Corp. v. Miller Brewing Co.*, 702 F.2d 770, 786 (9th Cir. 1983) (Wallace, J., dissenting in part). Permissible sanctions when vexatious litigation is encountered may include not only a pre-filing order, but also monetary sanctions or even the ultimate sanction of dismissal of claims. We do not here hold that, if a court encounters vexatious litigation, a pre-filing order is the only permissible form of sanction. Rather, the district court may exercise its sound discretion under the facts presented to choose any appropriate sanction that will punish the past misconduct and prevent the future misconduct of the lawyer or party at issue.

PROOF OF SERVICE

I, the undersigned, declare as follows:

I am employed in the City and County of San Francisco, State of California. I am over the age of eighteen (18) and am not a party to this action. My business address is 1374 Pacific Avenue, San Francisco, California 94109.

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San Francisco County Superior Court Litigants:

CGC-06-452090
CRAIG YATES et al vs. CIGAR AMOUR
et al

CGC-06-452090
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Pan Asian Cuisine et al*

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3:08-cv-01876-CRB Jankey et al v.
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3:07-cv-04396-MEJ Ramirez et al v.
Union Hotel Inc. et al

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(Defendant)
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3:07-cv-05485-MMC Yates et al v.
N-O-H-R Plaza et al

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(Defendant)
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(Defendant)
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(Defendant)

1 3:08-cv-02164-JL Jankey et al v. Geary
Street Bella Pizza et al

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(Defendant)

3:08-cv-02733-MMC Jankey et al v.
Five Happiness Restaurant Inc et al

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Restaurant Inc
(Defendant)
Mei-Mei Koo Yang
(Defendant)
William P. Yang
(Defendant)

11 3:07-cv-04813-JSW Moss et al v. Molte
Cose et al

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17 (Defendant)
Lorraine J. Choy
18 (Defendant)
Raymond G. Choy
19 (Defendant)
Teresa Marie Nittolo
20 (Defendant)

3:08-cv-01403-MEJ Ramirez et al v.
Martha's Old Mexico et al

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(Defendant)
Judith A. Barbieri
(Defendant)
Martha Leticia Lopez
(Defendant)
Peter R. Barbieri
(Defendant)

1 3:08-cv-01876-CRB Jankey et al v. King
of Thai Noodle House et al
2 3:08-cv-01877-WHA Yates et al v. King
of Thai Noodle #2 Inc. et al

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14 (Defendant)

15 3:08-cv-00737-JCS Yates et al v. Burger
King #3157 et al

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(Defendant)
22 Syers Properties I LP
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3:08-cv-02293-PJH Yates et al v.
Zephyr Cafe et al

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Dong J. Homer
(Defendant)
Young B. Homer
(Defendant)

1 3:07-cv-01405-WHA Yates et al v. Belli
Deli et al

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13 3:07-cv-02100-JSW Yates et al v. Foster
Freeze Berkeley et al

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(Defendant)

20 Byung H. Yoo
(Defendant)

21 Grace Pak
(Defendant)

22 Sung C. Pak
(Defendant)

3:08-cv-02165-SI Yates et al v.
Twice is Nice et al

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1 4:08-cv-02545-CW Yates et al v. Sushi
Bistro Inc et al

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7 (Defendant)
Jeffery Lau
8 (Defendant)
Sophia Lau
9 (Defendant)

10 3:07-cv-03033-EDL Yates et al v. El
Sombrero et al

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12 Sheuerman Martini & Tabari
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16 representing Agnes R. Reeves
(Defendant)

3:08-cv-03004-EDL Yates et al v.
Franklin Arden LLC

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3:07-cv-04177-EDL Yates et al v.
Discount Alley Inc. et al

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Bruce Paul Monaghan
(Defendant)
Chetan Kumar
(Defendant)
Kemlesh M. Kumar
(Defendant)
Kenneth J. McAdams
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Laurie A. McAdams
(Defendant)
Marc Frederick
(Defendant)

1 **United States District Court for the Eastern District Litigants** by sending via Eastern District of
California's e-filing procedure addressed as follows:

2 2:07-cv-01564-FCD-EFB Chapman, et al. v.
3 Subway Salads and Sandwiches #14054, et al.

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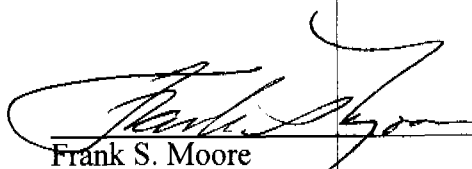
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representing Mary Delouize
(Defendant)

8 representing Mary Delouize
9 (Defendant)
Thereza Coughran
10 (Defendant)
Elizabeth Morell
11 (Defendant)

12
13 I declare under penalty of perjury under the laws of the State of California that the
14 foregoing is true and correct.

15
16 DATED: August 29, 2008


Frank S. Moore